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RECORDS OF THE UNITED STATES

NUERNBERG WAR CRIMES TRIALS

UNITED STATES OF AMERICA v. CARL KRAUCH ET AL. (CASE VI)

AUGUST 14, 1947-JULY 30, 1948

Roll 2

Transcript Volumes (English Version)

Volumes 1-3, P. 1-999

Aug. 14-Sept. 18, 1947



THE NATIONAL ARCHIVES
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WASHINGTON: 1976

INTRODUCTION

On the 113 rolls of this microfilm publication are reproduced the records of Case VI, *United States of America v. Carl Krauch et al.* (I. G.-Farben Case), 1 of the 12 trials of war criminals conducted by the U.S. Government from 1946 to 1949 at Nuernberg subsequent to the International Military Tribunal (IMT) held in the same city. These records consist of German- and English-language versions of official transcripts of court proceedings, prosecution and defense briefs and statements, and defendants' final pleas as well as prosecution and defense exhibits and document books in one language or the other. Also included are minute books, the official court file, order and judgment books, clemency petitions, and finding aids to the documents.

The transcripts of this trial, assembled in 2 sets of 43 bound volumes (1 set in German and 1 in English), are the recorded daily trial proceedings. Prosecution statements and briefs are also in both languages but unbound, as are the final pleas of the defendants delivered by counsel or defendants and submitted by the attorneys to the court. Unbound prosecution exhibits, numbered 1-2270 and 2300-2354, are essentially those documents from various Nuernberg record series, particularly the NI (Nuernberg Industrialist) Series, and other sources offered in evidence by the prosecution in this case. Defense exhibits, also unbound, are predominantly affidavits by various persons. They are arranged by name of defendant and thereunder numerically, along with two groups of exhibits submitted in the general interest of all defendants. Both prosecution and defense document books consist of full or partial translations of exhibits into English. Loosely bound in folders, they provide an indication of the order in which the exhibits were presented before the tribunal.

Minute books, in two bound volumes, summarize the transcripts. The official court file, in nine bound volumes, includes the progress docket, the indictment, and amended indictment and the service thereof; applications for and appointments of defense counsel and defense witnesses and prosecution comments thereto; defendants' application for documents; motions and reports; uniform rules of procedures; and appendixes. The order and judgment books, in two bound volumes, represent the signed orders, judgments, and opinions of the tribunal as well as sentences and commitment papers. Defendants' clemency petitions, in three bound volumes, were directed to the military governor, the Judge Advocate General, and the U.S. District Court for the District of Columbia. The finding aids summarize transcripts, exhibits, and the official court file.

Case VI was heard by U.S. Military Tribunal VI from August 14, 1947, to July 30, 1948. Along with records of other Nuernberg

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and Far East war crimes trials, the records of this case are part of the National Archives Collection of World War II War Crimes Records, Record Group 238.

The I. G. Farben Case was 1 of 12 separate proceedings held before several U.S. Military Tribunals at Nuernberg in the U.S. Zone of Occupation in Germany against officials or citizens of the Third Reich, as follows:

<u>Case No.</u>	<u>United States v.</u>	<u>Popular Name</u>	<u>No. of Defendants</u>
1	<i>Karl Brandt et al.</i>	Medical Case	23
2	<i>Erhard Milch</i>	Milch Case (Luftwaffe)	1
3	<i>Josef Altstoetter et al.</i>	Justice Case	16
4	<i>Oswald Pohl et al.</i>	Pohl Case (SS)	18
5	<i>Friedrich Flick et al.</i>	Flick Case (Industrialist)	6
6	<i>Carl Krauch et al.</i>	I. G. Farben Case (Industrialist)	24
7	<i>Wilhelm List et al.</i>	Hostage Case	12
8	<i>Ulrich Greifelt et al.</i>	RuSHA Case (SS)	14
9	<i>Otto Ohlendorf et al.</i>	Einsatzgruppen Case (SS)	24
10	<i>Alfried Krupp et al.</i>	Krupp Case (Industrialist)	12
11	<i>Ernst von Weizsaecker et al.</i>	Ministries Case	21
12	<i>Wilhelm von Leeb et al.</i>	High Command Case	14

Authority for the proceedings of the IMT against the major Nazi war criminals derived from the Declaration on German Atrocities (Moscow Declaration) released November 1, 1943; Executive Order 9547 of May 2, 1945; the London Agreement of August 8, 1945; the Berlin Protocol of October 6, 1945; and the IMT Charter.

Authority for the 12 subsequent cases stemmed mainly from Control Council Law 10 of December 20, 1945, and was reinforced by Executive Order 9679 of January 16, 1946; U.S. Military Government Ordinances 7 and 11 of October 18, 1946, and February 17, 1947, respectively; and U.S. Forces, European Theater General Order 301 of October 24, 1946. Procedures applied by U.S. Military Tribunals in the subsequent proceedings were patterned after those of the IMT and further developed in the 12 cases, which required over 1,200 days of court sessions and generated more than 330,000 transcript pages.

Formation of the I. G. Farben Combine was a stage in the evolution of the German chemical industry, which for many years led the world in the development, production, and marketing of organic dyestuffs, pharmaceuticals, and synthetic chemicals. To control the excesses of competition, six of the largest chemical firms, including the Badische Anilin & Soda Fabrik, combined to form the Interessengemeinschaft (Combine of Interests, or Trust) of the German Dyestuffs Industry in 1904 and agreed to pool technological and financial resources and markets. The two remaining chemical firms of note entered the combine in 1916. In 1925 the Badische Anilin & Soda Fabrik, largest of the firms and already the majority shareholder in two of the other seven companies, led in reorganizing the industry to meet the changed circumstances of competition in the post-World War markets by changing its name to the I. G. Farbenindustrie Aktiengesellschaft, moving its home office from Ludwigshafen to Frankfurt, and merging with the remaining five firms.

Farben maintained its influence over both the domestic and foreign markets for chemical products. In the first instance the German explosives industry, dependent on Farben for synthetically produced nitrates, soon became subsidiaries of Farben. Of particular interest to the prosecution in this case were the various agreements Farben made with American companies for the exchange of information and patents and the licensing of chemical discoveries for foreign production. Among the trading companies organized to facilitate these agreements was the General Anilin and Film Corp., which specialized in photographic processes. The prosecution charged that Farben used these connections to retard the "Arsenal of Democracy" by passing on information received to the German Government and providing nothing in return, contrary to the spirit and letter of the agreements.

Farben was governed by an Aufsichtsrat (Supervisory Board of Directors) and a Vorstand (Managing Board of Directors). The Aufsichtsrat, responsible for the general direction of the firm, was chaired by defendant Krauch from 1940. The Vorstand actually controlled the day-to-day business and operations of Farben. Defendant Schmitz became chairman of the Vorstand in 1935, and 18 of the other 22 original defendants were members of the Vorstand and its component committees.

Transcripts of the I. G. Farben Case include the indictment of the following 24 persons:

Otto Ambros: Member of the Vorstand of Farben; Chief of Chemical Warfare Committee of the Ministry of Armaments and War Production; production chief for Buna and poison gas; manager of Auschwitz, Schkopau, Ludwigshafen, Oppau, Gendorf, Dyhernfurth, and Falkenhagen plants; and Wehrwirtschaftsfuehrer.

Max Brueggemann: Member and Secretary of the Vorstand of Farben; member of the legal committee; Deputy Plant Leader of the Leverkusen Plant; Deputy Chief of the Sales Combine for Pharmaceuticals; and director of the legal, patent, and personnel departments of the Works Combine, Lower Rhine.

Ernst Buerger: Member of the Vorstand of Farben; Chief of Works Combine, Central Germany; Plant Leader at the Bitterfeld and Wolfen-Farben plants; and production chief for light metals, dyestuffs, organic intermediates, plastics, and nitrogen at these plants.

Heinrich Buetefisch: Member of the Vorstand of Farben; manager of Leuna plants; production chief for gasoline, methanol, and chlorine electrolysis production at Auschwitz and Moosbierbaum; Wehrwirtschaftsfuehrer; member of the Himmler Freundeskreis (circle of friends of Himmler); and SS Obersturmbannfuehrer (Lieutenant Colonel).

Walter Duerrfeld: Director and construction manager of the Auschwitz plant of Farben, director and construction manager of the Monowitz Concentration Camp, and Chief Engineer at the Leuna plant.

Fritz Gajewski: Member of the Central Committee of the Vorstand of Farben, Chief of Sparte III (Division III) in charge of production of photographic materials and artificial fibers, manager of "Agfa" plants, and Wehrwirtschaftsfuehrer.

Heinrich Gattineau: Chief of the Political-Economic Policy Department, "WIPO," of Farben's Berlin N.W. 7 office; member of Southeast Europe Committee; and director of A.G. Dynamit Nobel, Pressburg, Czechoslovakia.

Paul Haeffliger: Member of the Vorstand of Farben; member of the Commercial Committee; and Chief, Metals Departments, Sales Combine for Chemicals.

Erich von der Heyde: Member of the Political-Economic Policy Department of Farben's Berlin N.W. 7 office, Deputy to the Chief of Intelligence Agents, SS Hauptsturmfuehrer, and member of the WI-RUE-AMT (Military Economics and Armaments Office) of the Oberkommando der Wehrmacht (OKW) (High Command of the Armed Forces).

Heinrich Hoerlein: Member of the Central Committee of the Vorstand of Farben; chief of chemical research and development of vaccines, sera, pharmaceuticals, and poison gas; and manager of the Elberfeld Plant.

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Max Ilgner: Member of the Vorstand of Farben; Chief of Farben's Berlin N.W. 7 office directing intelligence, espionage, and propaganda activities; member of the Commercial Committee; and Wehrwirtschaftsfuehrer.

Friedrich Jaehne: Member of the Vorstand of Farben; chief engineer in charge of construction and physical plant development; Chairman of the Engineering Committee; and Deputy Chief, Works Combine, Main Valley.

August von Knieriem: Member of the Central Committee of the Vorstand of Farben; Chief Counsel of Farben; and Chairman, Legal and Patent Committees.

Carl Krauch: Chairman of the Aufsichtsrat of Farben and Generalbevollmaechtigter fuer Sonderfragen der Chemischen Erzeugung (General Plenipotentiary for Special Questions of Chemical Production) on Goering's staff in the Office of the 4-Year Plan.

Hans Kuehne: Member of the Vorstand of Farben; Chief of the Works Combine, Lower Rhine; Plant Leader at Leverkusen, Elberfeld, Uerdingen, and Dormagen plants; production chief for inorganics, organic intermediates, dyestuffs, and pharmaceuticals at these plants; and Chief of the Inorganics Committee.

Hans Kugler: Member of the Commercial Committee of Farben; Chief of the Sales Department Dyestuffs for Hungary, Rumania, Yugoslavia, Greece, Bulgaria, Turkey, Czechoslovakia, and Austria; and Public Commissar for the Falkenau and Aussig plants in Czechoslovakia.

Carl Lautenschlaeger: Member of the Vorstand of Farben; Chief of Works Combine, Main Valley; Plant Leader at the Hoechst, Griesheim, Mainkur, Gersthofen, Offenbach, Eystrup, Marburg, and Neuhausen plants; and production chief for nitrogen, inorganics, organic intermediates, solvents and plastics, dyestuffs, and pharmaceuticals at these plants.

Wilhelm Mann: Member of the Vorstand of Farben, member of the Commercial Committee, Chief of the Sales Combine for Pharmaceuticals, and member of the SA.

Fritz ter Meer: Member of the Central Committee of the Vorstand of Farben; Chief of the Technical Committee of the Vorstand that planned and directed all of Farben's production; Chief of Sparte II in charge of production of Buna, poison gas, dyestuffs, chemicals, metals, and pharmaceuticals; and Wehrwirtschaftsfuehrer.

Heinrich Oster: Member of the Vorstand of Farben, member of the Commercial Committee, and manager of the Nitrogen Syndicate.

Hermann Schmitz: Chairman of the Vorstand of Farben, member of the Reichstag, and Director of the Bank of International Settlements.

Christian Schneider: Member of the Central Committee of the Vorstand of Farben; Chief of Sparte I in charge of production of nitrogen, gasoline, diesel and lubricating oils, methanol, and organic chemicals; Chief of Central Personnel Department, directing the treatment of labor at Farben plants; Wehrwirtschaftsfuehrer; Hauptabwehrbeauftragter (Chief of Intelligence Agents); Hauptbetriebsfuehrer (Chief of Plant Leaders); and supporting member of the Schutzstaffeln (SS) of the NSDAP.

Georg von Schnitzler: Member of the Central Committee of the Vorstand of Farben, Chief of the Commercial Committee of the Vorstand that planned and directed Farben's domestic and foreign sales and commercial activities, Wehrwirtschaftsfuehrer (Military Economy Leader), and Hauptsturmfuehrer (Captain) in the Sturmabteilungen (SA) of the Nazi Party (NSDAP).

Carl Wurster: Member of the Vorstand of Farben; Chief of the Works Combine, Upper Rhine; Plant Leader at Ludwigshafen and Oppau plants; production chief for inorganic chemicals; and Wehrwirtschaftsfuehrer.

The prosecution charged these 24 individual staff members of the firm with various crimes, including the planning of aggressive war through an alliance with the Nazi Party and synchronization of Farben's activities with the military planning of the German High Command by participation in the preparation of the 4-Year Plan, directing German economic mobilization for war, and aiding in equipping the Nazi military machines.¹ The defendants also were charged with carrying out espionage and intelligence activities in foreign countries and profiting from these activities. They participated in plunder and spoliation of Austria, Czechoslovakia, Poland, Norway, France, and the Soviet Union as part of a systematic economic exploitation of these countries. The prosecution also charged mass murder and the enslavement of many thousands of persons particularly in Farben plants at the Auschwitz and Monowitz concentration camps and the use of poison gas manufactured by the firm in the extermination

¹ The trial of defendant Brueggemann was discontinued early during the proceedings because he was unable to stand trial on account of ill health.

of millions of men, women, and children. Medical experiments were conducted by Farben on enslaved persons without their consent to test the effects of deadly gases, vaccines, and related products. The defendants were charged, furthermore, with a common plan and conspiracy to commit crimes against the peace, war crimes, and crimes against humanity. Three defendants were accused of membership in a criminal organization, the SS. All of these charges were set forth in an indictment consisting of five counts.

The defense objected to the charges by claiming that regulations were so stringent and far reaching in Nazi Germany that private individuals had to cooperate or face punishment, including death. The defense claimed further that many of the individual documents produced by the prosecution were originally intended as "window dressing" or "howling with the wolves" in order to avoid such punishment.

The tribunal agreed with the defense in its judgment that none of the defendants were guilty of Count I, planning, preparation, initiation, and waging wars of aggression; or Count V, common plans and conspiracy to commit crimes against the peace and humanity and war crimes.

The tribunal also dismissed particulars of Count II concerning plunder and exploitation against Austria and Czechoslovakia. Eight defendants (Schmitz, von Schnitzler, ter Meer, Buergin, Haeffliger, Ilgner, Oster, and Kugler) were found guilty on the remainder of Count II, while 15 were acquitted. On Count III (slavery and mass murder), Ambros, Bueteffisch, Duerrfeld, Krauch, and ter Meer were judged guilty. Schneider, Bueteffisch, and von der Heyde also were charged with Count IV, membership in a criminal organization, but were acquitted.

The tribunal acquitted Gajewski, Gattineau, von der Heyde, Hoerlein, von Knieriem, Kuehne, Lautenschlaeger, Mann, Schneider, and Wurster. The remaining 13 defendants were given prison terms as follows:

<u>Name</u>	<u>Length of Prison Term (years)</u>
Ambros	8
Buergin	2
Bueteffisch	6
Duerrfeld	8
Haeffliger	2
Ilgner	3
Jaehne	1 1/2
Krauch	6
Kugler	1 1/2
Oster	2
Schmitz	4
von Schnitzler	5
ter Meer	7

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All defendants were credited with time already spent in custody.

In addition to the indictments, judgments, and sentences, the transcripts also contain the arraignment and plea of each defendant (all pleaded not guilty) and opening statements of both defense and prosecution.

The English-language transcript volumes are arranged numerically, 1-43, and the pagination is continuous, 1-15834 (page 4710 is followed by pages 4710(1)-4710(285)). The German-language transcript volumes are numbered 1a-43a and paginated 1-16224 (14a and 15a are in one volume). The letters at the top of each page indicate morning, afternoon, or evening sessions. The letter "C" designates commission hearings (to save court time and to avoid assembling hundreds of witnesses at Nuernberg, in most of the cases one or more commissions took testimony and received documentary evidence for consideration by the tribunals). Two commission hearings are included in the transcripts: that for February 7, 1948, is on pages 6957-6979 of volume 20 in the English-language transcript, while that for May 7, 1948, is on pages 14775a-14776 of volume 40a in the German-language transcript. In addition, the prosecution made one motion of its own and, with the defense, six joint motions to correct the English-language transcripts. Lists of the types of errors, their location, and the prescribed corrections are in several volumes of the transcripts as follows:

- First Motion of the Prosecution, volume 1
- First Joint Motion, volume 3
- Second Joint Motion, volume 14
- Third Joint Motion, volume 24
- Fourth Joint Motion, volume 29
- Fifth Joint Motion, volume 34
- Sixth Joint Motion, volume 40

The prosecution offered 2,325 prosecution exhibits numbered 1-2270 and 2300-2354. Missing numbers were not assigned due to the difficulties of introducing exhibits before the commission and the tribunal simultaneously. Exhibits 1835-1838 were loaned to an agency of the Department of Justice for use in a separate matter, and apparently No. 1835 was never returned. Exhibits drew on a variety of sources, such as reports and directives as well as affidavits and interrogations of various individuals. Maps and photographs depicting events and places mentioned in the exhibits are among the prosecution resources, as are publications, correspondence, and many other types of records.

The first item in the arrangement of prosecution exhibits is usually a certificate giving the document number, a short description of the exhibits, and a statement on the location of the original document or copy of the exhibit. The certificate is followed by the actual prosecution exhibit (most are photostats,

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but a few are mimeographed articles with an occasional carbon of the original). The few original documents are often affidavits of witnesses or defendants, but also ledgers and correspondence, such as:

<u>Exhibit No.</u>	<u>Doc. No.</u>	<u>Exhibit No.</u>	<u>Doc. No.</u>
322	NI 5140	1558	NI 11411
918	NI 6647	1691	NI 12511
1294	NI 14434	1833	NI 12789
1422	NI 11086	1886	NI 14228
1480	NI 11092	2313	NI 13566
1811	NI 11144		

In rare cases an exhibit is followed by a translation; in others there is no certificate. Several of the exhibits are of poor legibility and a few pages are illegible.

Other than affidavits, the defense exhibits consist of newspaper clippings, reports, personnel records, Reichgesetzblatt excerpts, photographs, and other items. The 4,257 exhibits for the 23 defendants are arranged by name of defendant and thereunder by exhibit number. Individual exhibits are preceded by a certificate wherever available. Two sets of exhibits for all the defendants are included.

Translations in each of the prosecution document books are preceded by an index listing document numbers, biased descriptions, and page numbers of each translation. These indexes often indicate the order in which the prosecution exhibits were presented in court. Defense document books are similarly arranged. Each book is preceded by an index giving document number, description, and page number for every exhibit. Corresponding exhibit numbers generally are not provided. There are several unindexed supplements to numbered document books. Defense statements, briefs, pleas, and prosecution briefs are arranged alphabetically by defendant's surname. Pagination is consecutive, yet there are many pages where an "a" or "b" is added to the numeral.

At the beginning of roll 1 key documents are filmed from which Tribunal VI derived its jurisdiction: the Moscow Declaration, U.S. Executive Orders 9547 and 9679, the London Agreement, the Berlin Protocol, the IMT Charter, Control Council Law 10, U.S. Military Government Ordinances 7 and 11, and U.S. Forces, European Theater General Order 301. Following these documents of authorization is a list of the names and functions of members of the tribunal and counsels. These are followed by the transcript covers giving such information as name and number of case, volume numbers, language, page numbers, and inclusive dates. They are followed by the minute book, consisting of summaries of the daily proceedings, thus providing an additional finding aid for the transcripts. Exhibits are listed in an index that notes the

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type, number, and name of exhibit; corresponding document book, number, and page; a short description of the exhibit; and the date when it was offered in court. The official court file is summarized by the progress docket, which is preceded by a list of witnesses.

Not filmed were records duplicated elsewhere in this microfilm publication, such as prosecution and defense document books in the German language that are largely duplications of the English-language document books.

The records of the I. G. Farben Case are closely related to other microfilmed records in Record Group 238, specifically prosecution exhibits submitted to the IMT, T988; NI (Nuernberg Industrialist) Series, T301; NM (Nuernberg Miscellaneous) Series, M-936; NOKW (Nuernberg Armed Forces High Command) Series, T1119; NG (Nuernberg Government) Series, T1139; NP (Nuernberg Propaganda) Series, M942; WA (undetermined) Series, M946; and records of the Brandt case, M887; the Milch Case, M888; the Altstoetter case, M889; the Pohl Case, M890; the Flick Case, M891; the List case, M893; the Greifelt case, M894; and the Ohlendorf case, M895. In addition, the record of the IMT at Nuernberg has been published in the 42-volume *Trial of the Major War Criminals Before the International Military Tribunal* (Nuernberg, 1947). Excerpts from the subsequent proceedings have been published in 15 volumes as *Trials of War Criminals Before the Nuernberg Military Tribunal Under Control Council Law No. 10* (Washington). The Audiovisual Archives Division of the National Archives and Records Service has custody of motion pictures and photographs of all 13 trials and sound recordings of the IMT proceedings.

Martin K. Williams arranged the records and, in collaboration with John Mendelsohn, wrote this introduction.

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Roll 2

Target 1

Volume 1, p. 1-391

Aug. 14-Sept. 2, 1947

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OFFICIAL RECORD

UNITED STATES MILITARY TRIBUNALS NÜRNBERG

**CASE No. 6 TRIBUNAL VI
U.S. vs CARL KRAUCH et al
VOLUME 1**

**TRANSCRIPTS
(English)**

14 August – 2 September 1947 pp. 1–391

Official Transcript of the American Military
Tribunal No. 6 in the matter of the United
States of America against CARL KRAUCH et al,
defendants, sitting at Nurnberg, Germany on
14 August 1947, 1000, Justice SHAKE presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI.

Military Tribunal No. 6 is now in session. God save the United
States of America and this Honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Military Tribunal No. 6 will come to order.

The Tribunal will now proceed with the arraignment of the
defendants in case number 6 pending before this Tribunal. The Secretary-
General will call the roll of the defendants.

THE SECRETARY-GENERAL: Each defendant will stand and answer
present when his name is called.

(The Secretary-General then called the roll of the defendants:

CARL KRAUCH, HERMANN SCHLITZ, GEORG VON SCHNITZLER, FRITZ GAJEWSKI,
HEINRICH HOERLEIN, AUGUST VON KNIEREM, FRITZ TER MEER, CHRISTIAN
SCHNEIDER, OTTO ALBROS, MAX BRUEGGEMANN

BRIGADIER GENERAL TELFORD TAYLOR: May it please your Honor, the
Defendant Brueggemann is at present in a hospital near Duesseldorf in
the British Zone of Occupation. Brueggemann was served with the
indictment on 18 June 1947. Two days prior, on 16 June, Brueggemann's
counsel, Dr. Klefisch, filed a letter in the nature of a motion with
the Secretary-General asking that the proceedings against Brueggemann
be temporarily quashed or separated from the trial of the other
defendants and that Brueggemann be released from custody in the interest
of his health. The prosecution answered this motion on 24 June and
there appears to be no substantial conflict between the prosecution and
the defense on this matter. Both the motion and the answer agree on the
basis of the medical reports, that the defendant Brueggemann is not at
present able to stand trial without serious danger to his life. The
prosecution in its answer has suggested, in accordance with a procedure
which the International Military Tribunal adopted in the case of Gustav

Von Bohlen, that an order be made here postponing for an indefinite time the proceedings against Brueggeman but directing that the charges in the indictment be retained upon the docket of the Military Tribunals for trial thereafter, if the physical and mental condition of the defendant should permit. The tribunal may of course, wish to have a further medical examination of Brueggemann before deciding this matter. So far as the prosecution is concerned we would have no objection to the entrance of an order severing the proceedings against Brueggemann at this time. In accordance with Dr. Klefisch request, and on the basis of the medical reports, Brueggemann was released from the Nurnberg Jail on 7th July and, as I have said, he is presently hospitalized near Duesseldorf in the British zone, where he is under surveillance.

THE PRESIDENT: The Tribunal will pass upon that matter at the conclusion of the call of the defendants. You may proceed, Mr. Secretary.

THE SECRETARY-GENERAL: (Continuing):

ERNST BUERGIN, HEINRICH BUETEFISCH, PAUL HAEFLIGER,
MAX ILGNER, FRIEDRICH JAEHNE, HANS KUEHNE, CARL
LAUTENSCHLAGER —

THE PRESIDENT: Is Counsel for the defendant present? Do you desire to make some observation to the court with reference to this defendant?

DR. FRIBILLA: No.

THE PRESIDENT: I may say to counsel that it has come to the attention of the Tribunal that the only son of this defendant passed away last night. I don't know whether the defendant himself yet knows of this fact, but under the circumstances we have excused him from attendance here this morning and we will dispose of his matter at the end of the roll-call also. You may proceed.

THE SECRETARY-GENERAL: (Continuing):

WILHELM HANN, HEINRICH OSTER, KARL WURSTER —

BRIGADIER GENERAL TELFORD TAYLOR: May it please the court, the defendant Wurster is at present in a hospital at Ludwigshafen in the

French Zone of Occupation. After the indictment of this case was filed, the prosecution learned, that the defendant Wurster had sustained an injury to his shoulder and that an operation had been performed and that Wurster was hospitalized in consequence thereof. According to the advice of the French doctors who treated Wurster, it appeared that he could not be moved to Nurnberg at least for several weeks. Accordingly, arrangements were made to serve the indictment on the defendant Wurster at Ludwigshafen in the French Zone, and that was done by the Marshal of the Court on 20th of June 1947. Thereafter the defendant Wurster was further affected by heart condition which further delayed his transfer to Nurnberg. Defense Counsel for Wurster, Dr. Wagner, has filed a motion requesting in the alternative that the defendant be discharged, or that the proceedings against him be severed from the proceedings against the other defendants. The prosecution filed an answer to this petition. On 25th of July 1947 to which Dr. Wagner filed a further reply on the 4th of August. The Defendant's motion and the answer are pending before the Tribunal for disposition and can be dealt with now or later in the discretion of the Tribunal. The prosecution has just received information that the Defendant Wurster was examined on 12 August 1947 by an American Military doctor and is advised that Wurster could now be transported under proper physical safeguards to Nurnberg. The prosecution will, when the court hears this matter, oppose Dr. Wagner's request that the proceedings be severed although we, of course, have no objection to such further medical examinations as the court may direct.

THE SECRETARY-GENERAL: (Continuing):

WALTER DUERRFELD, HEINRICH GATTINEAU, ERICH VON DER HEYDE
AND HANS KUCLER.)

May the Honorable Tribunal please, all defendants except Max Brueggemann, Carl Wurster and Carl Lautenschlaeger are present and in the dock.

THE PRESIDENT: On the basis of the showings made, the arraignment of the Defendant Carl Lautenschlaeger will be postponed until the next

session of the Tribunal. The arraignment and trial of the defendants Brueggemann and Wurster will be postponed until such time as they are present or, in the alternative, until the further order of the Tribunal. In the meanwhile, the charges against the defendants Brueggemann and Wurster will be continued and the indictments against them will not be dismissed, but their names may be omitted from the list of the defendants now before the Tribunal for trial.

The Secretary-General will now call the defendants in the dock, one by one, for arraignment.

THE SECRETARY-GENERAL: Carl Krauch —

DR. CONRAD BOETTCHER: Mr. President, before this question is put to the defendants, I should like to have your permission, on behalf of all defense counsel and all defendants, to make a brief declaration with regard to this question.

THE PRESIDENT: Yes.

DR. CONRAD BOETTCHER: Your Honor, my name is Boettcher, Dr. Conrad Boettcher, attorney-at-law and defense counsel for the defendant Professor Dr. Krauch. At this time I am also speaking on behalf of all defense counsel present in this court room. At this point we must deal with two principal objections against these proceedings. The two points which I wish to deal with are these: I am first of all, objecting to this indictment as such since it does not correspond with the form prescribed in Ordinance Number 7. According to this Ordinance No. 7, paragraph 4, the indictment must make it plain to a sufficiently clear extent what charges are being preferred against individual defendants. This, however, is not the case, particularly since the legal concept of conspiracy — at least as far as Counts 2 and 3 of the indictment are concerned, that is, War Crimes and Crimes against Humanity — has been declared not applicable. For that reason the prerequisites for this trial are not sufficiently in existence, namely, the question cannot at this point be put to the defendants whether they are guilty or not guilty.

Secondly, according to Ordinance No. 7, as well as according to the American constitution, the defendants have a claim for a fair trial. That is Article 5 of the American Constitution, and it is a claim which, according to the present defendants and considering the volume of the material, presents particularly great difficulties for the preparation for the defense, and which has, therefore, not been sufficiently realized.

My argument with regard to these two points is as follows:

With regard to one, as already stated at this point, proceedings cannot be continued because provisions contained in Article 4, of Ordinance No. 7, dealing with the prerequisites for such a trial at the beginning of the proceedings have not yet been fulfilled. Article 4 states in its first paragraph, sub-paragraph a, as follows:

"The indictment must specify clearly and simply the points of the indictment and must produce sufficient details in order to enable the defendants to be aware of the accusations and charges raised against him."

This is not met sufficiently in the indictment, neither as far as the evidence of conspiracy is concerned nor, as far as the formal participation is concerned, contained in Control Council Law No. 10 with regard to the first three points of the indictment. They are based upon the principal of individual participation, of course, although in the proceedings before the I-M the conspiracy was described as a particular form of participation under Anglo-Saxon law and, formed thus the basis of the indictment. The prosecution, at that time properly considered it essential to state in Appendix A of the indictment, with regard to every individual defendant, which points were applicable to his particular case and through which particular actions the individual perpetrations had been realized in his particular case.

As far as this present indictment here is concerned, the conspiracy, apart from Count 1 of the indictment has been dealt with by

decisions of the Military Tribunals at Nurnberg on the basis of the en banc session of 9 July 1947, that is to say, after this present indictment was filed and the decision of that Tribunal was binding

for every later Tribunal and, it was declared an independent charge, and in that manner was also declared as non-applicable as a point of indictment. For that reason too the prosecution will have to go into infinitely greater detail than was necessary earlier, even as early as the filing of the written indictment which concrete facts every individual of the 24 defendants are being charged with.

So long as this objection of mine, which I am discussing now, has not been dealt with, sufficient details are not available, which would have to be available according to Ordinance 7, in order to inform the individual defendants regarding the charges raised against them. And consequently the preconceived conditions for the entering into these proceedings, and which are essential for the defendants to allow them to answer the question of guilty or not guilty, are not met with.

I do not wish to be cause for a misunderstanding. All defendants do feel that they are not guilty. However, that would not effect our objection which is, that on the basis of the indictment in the form in which we have it here before us, the question of guilty or not guilty can not be put to them in the proper way at all. If the indictment with regard to individual counts produces very occasionally individual names, then it is not recognizable whether the charges are applicable to those defendants named in that connection and are to be restricted to them. In most cases any indication is lacking to the effect which one of the 24 defendants is to be charged with the individual count of the indictment.

Let me mention only two out of many examples, in order to elucidate the shortcomings which I am dealing with. I will quote from page 5 of the original indictment.

"All defendants through the IG Farben and otherwise, with diverse other persons, during a period of years preceeding the 8th of May 1945, participated in the planning, preparation, initiation and waging of

wars of aggression and invasions of other countries" end of quotation.

I shall continue to quote from page 38 of the original of the indictment. "All defendants together with various other persons availed themselves during the time of the 12th of March 1938 up to the 3th of May 1945 of the facilities of the IG in order to commit War Crimes and Crimes against Humanity by participating in the looting of public and private property, its exploitation, spoliation, in other countries which came under the belligerent occupation of Germany in the course of its invasions and aggressive wars."

It is for this reason that the defense would request this Tribunal to declare the indictment as insufficient and non-admissible, at least, however, to request the prosecution to supply the necessary supplement for this indictment before the beginning of its case in chief, and after the submission of the completed indictment to allow a sufficient period to elapse in order to make a statement and prepare for this new indictment.

The documents handed over to the defense by the prosecution up to this point do not alleviate the mistakes in the indictment which I have just objected to, the violation of the rules contained in Article 4 of the Ordinance No. 7 can not be done away with by submission of such documents. Since the indictment as such is meant to contain those details, the submission of documents is a gesture on the part of the prosecution which lacks a proper meaning. The documents do not say anything about the participation of individual defendants, and have no relations to the major part of the defendants and, in connection with the indictment which we have up to now and which we consider incomplete, their meaning can not be grasped or understood.

I shall now turn to my argument with regard to point 2. It is the

considered duty of the defense to point out again and again that the unfavorable circumstances prevailing in Germany at this time, which effect the defense much more than the prosecution, make it an impossibility in practice to work in a trial of such international significance as this and to balance the overpowering force of the prosecution.

The defense is aware of the fact that the Tribunal and the prosecution are not in a position either to correct the effects of these unusual circumstances, no more do we expect that the beginning of the trial could be postponed until these conditions have shown a general improvement. The defense considers these unusual difficulties, however, to be additional handicaps which it is willing to bear in every instance considering the implicating circumstances. What, however, does not appear reasonable to the defense is that beyond this, the defense is burdened with restrictions which can be removed or through the refusal of favors which could be granted them. The most important factor is that of time, whereas the prosecution has had two years to collect and screen prosecution material and, had at its disposal a large organization over a period of years, the defense has only had very few, in fact, in some cases only three to four weeks to exploit the possibilities of preparing the trial material after they were admitted before this Tribunal and, in particular contrary to the position of the prosecution, the defense has had utterly insufficient forces at their disposal.

The attorneys designated as defense counsel have been prohibited from carrying out any type of activities before the Indictment was served on the defendants, although the defendants have been imprisoned now for years. It is correct to say, according to American law, the Prosecution does not have the duty of submitting to the defense, before the beginning of the Trial, all material used for its charges, but the defense would like to point out that due to the confiscation of the property of the I. G. the entire files of the I.G. Farbenindustrie were, first of all, not accessible and that only a few weeks ago did the defense counsel have free access to this material in the Document Center at Frankfurt. It is obvious that this documentary material can only be screened in extensive and hard work and only in that manner be exploited for the defense. What is of particular significance is the fact that, in spite of repeated applications, the defendants who are indicted as a group have not, up to now, had any possibility whatever to have joint conferences, availing themselves of the material which they had at their disposal in order to prepare themselves for their defense. They were not in a position to examine the procedure on which the Indictment is based and of which only one defendant knows the economic side, the other only the technical side, the third only the financial angle, and to discuss such matters jointly and to reconstruct in their minds, in part, the developments so that after such a statement they were in a position to judge the information dealing with the entire complex of material and hand it over to their defense counsel. Only when the defense is in possession of this information can it be in the position to put pertinent questions during cross examination to the witnesses called by the Prosecution. Considering the outstanding importance of cross examination before an Anglo-Saxon court it would not help the defense at all if between the submissions made by the Prosecution and those of the defense and adjournment were granted, such as the Prosecution refers to in its reply dated 18 July and which possibility the decision refusing the adjournment of the

Tribunal, dated 30 July is referring to. Apart from this, upon the decision of the acting Tribunal the letter of defense, dated 25 July, and the reply dated 30 July of Prosecution, deals with the statements of the Prosecution and has not been put before this Tribunal presumably for technical reasons. Consequently the decision of the acting Tribunal was handed down without the statements of the defense, which was made in reply to the statement of the Prosecution, being made known to the Tribunal. Defense does not wish to leave this Tribunal in doubt that postponement of the beginning of the trial alone would not alleviate the difficulties at hand, since gain in time would have to be connected with the granting of further applications made on behalf of the defense, which deal with the creation of proper external prerequisites for these proceedings. No doubt, in the meantime, the high Tribunal will have received applications in question. They deal with the question of obtaining legal evidence and material from abroad. They deal with the admission of further German and Foreign defense counsels and auxiliary forces. They deal with the creation of a considerably larger financial basis, and for payment of defense, and deal with granting of at least the most simple assistance of a technical nature, such as for instance, the availability of sufficient work rooms in the building, typewriters, the possibilities to put through telephone calls and similar points.

It is utterly insufficient, for the work to be done on such a voluminous complicated trial material, if a defendant has only two lawyers. That is to say one chief defense counsel and one assistant at his disposal who are helped by one single secretary. Further, intolerable conditions arise from the fact that defense counsel of various defendants are forced to work together in one room, as is the case at this time, whereas individual defence counsel have no office of their own at all. A further impediment which can not probably be understood by anyone who has not experienced it himself, are the

difficulties which we meet in connection with frequent journeys which are necessary to locate witnesses and documents. The defense have no motor cars and have not sufficient gasolene. Journeys made by train, due to catastrophic traffic conditions, are an unusual waste of time and are unusually exhausting. Let me draw your attention to the particular difficulties which now arise, and which in this form did not arise in any other of the trials which have been in progress in Nurnberg up to now. The extent of the International business activities of the I. G. Farbenindustrie, which to a considerable extent has been made the subject of this indictment, necessitates extensive contacts of the defense with sources abroad, if the subject is to be properly cleared up. It is impossible to use correspondence or even to use defense counsels who are not familiar with the material to alleviate these points in the foreign countries concerned. In fact, they can only be handled by the defense counsel themselves with a reasonable chance of success, particularly since the secrecy of the defense cannot be observed properly due to conditions of censorship if correspondence were solely chosen. The difficulties which would entail if journeys abroad were made due to the condition Germany now finds herself are known to the defense. The defense feels it necessary to draw your attention to that fact that without a satisfactory solution to these questions a fair defense will not be possible.

Independently and apart from the principle request for an adjournment which are connected with this motion are those which were handed in on 3 July, 30 July and 7 August 1947. All further motions which were made in connection with these are repeated and an early decision of the Tribunal is requested. They can be summarized as follows:

A request for adjournment of the beginning of the trial for 6 months, for the purpose of more efficient presentation on the part of defense.

Request that the Office of the Secretary General and the Prosecution be instructed that a sufficient and properly conducted defense be arranged.

It may appear to be somewhat mean that those technical matters are contained in an application of the defense playing such a big part, but it is necessary to understand how difficult and unpleasant and hopeless a task and battle with difficulties is presented by daily life. It is necessary to see them from a close distance in order to feel our depression which we register concerning the magnitude of our task which we have to perform subject to insufficient means which we need for its completion.

The defense, therefore, begs this Tribunal in realizing when dealing with their applications to be aware of the fact that for the first time in history the heads of an International industrial large enterprise are under Indictment, the scientific accomplishments of which, and the economic solidarity of which, and the international attitude of which, has been recognized the world over, and that the accusations are raised which in every respect are appalling. The defendants themselves are keenly interested to prove before the public of the world that these charges are unjustifiable. They request no more than fairness with regard to the preparation and development of these proceedings the granting of which the countries who uphold Anglo-Saxon legal traditions are so particularly proud of. There can be no doubt whatever that this trial is destined to write history and to clear up the question how in the future leading industrialists of a country should conduct themselves in the event of an international conflagration. This judgment can only, however, make history if it can live up to the scrutiny of the historians. That is the basis, and nothing else, for this motion of the defense. The defense cannot see that these two principal motions made with regard to this trial, namely, with reference to the incompleteness of the Indictment and insufficient possibility of preparation on the part

of the defense, cannot exhaust the objections on principle which have been raised to this trial in its entirety.

When the time comes the defense will point out that in this instance proceedings are carried on before an American Tribunal which must be carried out within the frame work of the American Constitution. The American Constitution contains an explicit prohibition that actions should be subject of criminal proceedings for which at the point when they were committed no penal code had been in existence. Defense feels that they may not assume that the American democracy would depart from the ideal principles which it has represented the world over and for which it is attempting to gain the support of that same German people (just with regard to members of this nation, Germany.)

The defense trust that the American Tribunals, right to the very head will see to it that this practice which has its basis in the American Prosecution should be applied forthwith.

May I make one remark of a technical nature. A written translation of this motion of mine will be submitted to this Tribunal in the near future and the Prosecution as well. It is already on its way to the Tribunal.

THE PRESIDENT: This Tribunal, which was only recently constituted, has been laboring under the impression that a motion for the continuance of this cause had been ruled upon by the presiding Judges of the Tribunal before this body was organized. If there has been filed any additional motion for continuance this Tribunal has no knowledge of it and would like to inquire of counsel for defense who has just spoken if any such motion as been filed and called to the attention of the Prosecution.

DR. BOETTCHER: That isn't an application, Mr. President. It is a statement of objections on the part of the defense against the beginning of the trial based upon the incompleteness of the Indictment and the insufficient time for defense to prepare their work.

THE PRESIDENT: Counsel for Prosecution can be heard on this motion.

GENERAL TAYLOR: Your Honors, I would like to make very briefly three points, in no more than four minutes.

I believe that not one word that Dr. Boettcher has spoken is germane to the only matter now pending before the Tribunal, which is whether these defendants are to be called upon to plead guilty or innocent. Dr. Boettcher rose apparently to address himself to that question but I believe he failed to do so utterly. He hasn't suggested that any of the defendants would plead innocent, would plead guilty, if the Indictment were changed or if conditions were different. In fact, he has made it quite apparent that the defendants understand the Indictment and are about to plead not guilty. It seems to me a pity that that matter has been postponed so long.

As to the second point Dr. Boettcher has spoken at length with respect to the insufficiency of the Indictment. No such motion has come to the attention of the Prosecution, or I take it of the Tribunal. And, in answer to the Tribunal's last question it appears to me that Dr. Boettcher has not intended to make any motion but merely to make what I can only describe as an opening or closing statement somewhat prematurely and has not intended it as a motion at all. The Indictment in general is far more particular than the Indictments that have been filed in other cases here. I think the differences which Dr. Boettcher has intended to point out are without foundation but I don't, unless the Court desires, propose to argue this matter at length now. It seems to me such questions should be raised by properly written motion and disposed of in orderly fashion. The Indictment, I might add, has been supplemented by some 700 documents which the Prosecution has voluntarily placed at the disposal of the defense and if Dr. Boettcher is able to state those documents do not mention the defendants or in what ways they are implicated I can only suggest that he has not read the documents

made available to him.

As to the observation about conditions in Germany and as to the fairness of the trial once again all those are matters which can be raised by appropriate motion and isposed of in an orderly fashion. And, it seems to me, have no place at this time.

Counsel for defense, many of them served here in other cases, and I think are entirely aware of that. I think that is all I have to say at this time, your Honor.

MR. SIEMERS: Your Honors, Dr. Siemers defense counsel for Dr. Erich von Schnitzler. Your Honors, with regard to the statement just made by General Taylor I should like first of all to say as a matter of principle that we are not here concerned with an application or motion which General Taylor says is lacking, but with an objection against the Indictment and the permissible objection as admissilbe in Angl-Saxon law. Dr. Boettcher has already declared that in our opinion the Indictment formally speaking does not conform with the instructions contained in Ordinance 7. In rebuttal hereto General Taylor has pointed out that the Indictment in this trial is a more exact and more detailed than were the Indictments in other trials. Your Honors, I am not in a position at this point to check all the trials conducted in Nurnberg. I personally have a clear picture of the trial before the IMT and the trial which is running parallel to this one here, the Flick case.

I contradict and oppose General Taylor's statement that the indictment in this trial is more exact. Dr. Boettcher has already pointed out to you that in the trial before the IMT the Indictment contained an Appendix A submitted by the Prosecution in order to establish a relation between the offenses committed, and the individual defendants. That is a matter wich is not contained in this Indictment before this Tribunal. In fact, your Honors, it transpired at a later stage than the Indictment in the big trial which was still not sufficiently complete, a fact which was

generally recognized and it was for that reason that the Prosecution later submitted special trial briefs with regard to each individual defendant.

If an explicitness of this indictment is to be mentioned at all then it is only in connection with Point I of the indictment, which is the so-called planning on the part of I. G. for the conducting of aggressive wars. I might mention that I consider the statements under Point I not sufficient. At any rate they must give some sort of a general picture. In all the other points the indictment is so inexact that, even with the best of a will and desire, you cannot speak of a specification of the individual parts of the indictment.

I beg the Tribunal to give me permission to draw its attention to a few outstanding points of the indictment which will prove, without delay, the correctness of my statement.

On Page 73 of the German text of the indictment, Figure 121 of the Indictment, we find the heading: "Participation of the Defendants in Slavery and Mass Murder." Such a colossal charge is dealt with in a few pages. On Page 75, Figure 124, it is said with reference to the subject, and I quote: "The exploitation of enslaved workers and of prisoners of war for work directly connected with war operations was standard policy of FARBEN." End of my quotation. In the whole of the indictment there isn't one single word, not one single fact to be found which would give the reasons for this sentence. It is never said how the exploitation is carried out, and it is never said where the exploitation is carried out, and there is no mention of a single individual fact, and not one individual name from amongst the defendants is mentioned.

On Page 78 of the German text of the indictment, under Figure 128, it says, and I quote:

"In all FARBEN plants and works, where slave labor was used, sub-human standards of living were the established order. Inadequate food rations, overcrowded and filthy sleeping quarters, excessive hours of hard physical labor, continued beatings and other cruel disciplinary measures, brought about a high percentage of illness and disease among the inmates. In cases of disease,

little or no medical care was furnished, as a result of which many slave laborers died."

Your Honor, as Ordinance No. VII stated expressly that it is desirable and essential that details should be given, so that the defendant can inform himself of the details regarding the perpetrations with which he is charged, then I would like to ask the Prosecution, just how can the defendant, or defense counsel, inform himself and make the facts clear to himself in this connection? Once again the I. G. Farben is only generally mentioned, which supposedly isn't under indictment in its entirety as a body. Generally all works and factories are talked about, although we know that there are hundreds of them, and although we know that there were hundreds of camps. In spite of all that, not one single name of any camp is mentioned. If that is supposed to be a specification, then I, both legally and economically, have never yet up to now understood the meaning of the word "specification."

May I now turn to Figure 131 of the indictment, that is Page 80 of the German text, and I quote:

"Use of poison gas and medical experimentation on enslaved persons. Poison gases and various deadly pharmaceuticals manufactured by FARBEN and supplied by FARBEN to officials of the SS were used in experimentation upon and the extermination of enslaved persons in concentration camps throughout Europe. Experiments on human beings (including concentration camp inmates,) without their consent, were conducted by FARBEN to determine the effect of deadly gases, vaccines, and related products."

Your Honors, one of the most horrible charges, the most far-reaching charges, namely that of planned murder of every sort, that is an accusation which the Prosecution dares to render in nine lines of the text of the indictment, and without mentioning any further details and, they dare to assert that its duty of specification under Article IV of Ordinance No. 7, complied with. There is no mention as to which

one of the defendants is supposed to have participated. It has never said where these supplies went, to which officers of the SS.

Quite generally "enslavement" and "extermination" is used. It is the typical purely propaganda material, by means of which the defendants are linked with sad and regrettable criminal acts, which the German Regime under Hitler was guilty of. I deny the right on the part of the Prosecution to make statements of this nature in such general terms. We, since they are of material importance legally, shall deal with these points at a later stage.

We are here only concerned with the question of procedure, and then it will have to be granted that this individual charge is not specifically treated.

May I, in this connection, supplement my statement by saying that the ruling contained in Article IV, specifically started with the words, and I quote: "For the purpose of the preservation of the privileges of the defendants, this and that type of procedure is to be adopted." We are concerned with the ruling on procedure which is to preserve the privileges of the defendants. Consequently, the Prosecution must take upon themselves the trouble of complying with the details demanded in this Article.

The Ordinance No. VII arose from the Charter of the International Military Tribunal. It might be interesting, therefore, to re-establish this link, and I might draw your attention to the fact that in Article 16 of this Charter of the International Military Tribunal, you will find the following sentence: "The indictment is to contain all details from which the facts of guilt can be ascertained."

Your Honor, the very same picture, which was the basis of the big trial, applies to this no doubt equally big I. G. trial.

Finally, may I draw your attention to Figure 146 of the indictment, which is Count V of the Indictment. In Count V, as before, the conspiracy is charged as an independent crime. It appears doubtful to me whether this is possible. We might leave this question open for the

moment. The most doubtful fact, however, is whether in consideration of the Control Council Law the conspiracy can be brought up at all in connection with Points 2 and 3, but even if it were legally justified, the Prosecution must, at least at this point, relate individual facts through which the charge of conspiracy arose. It is quite unthinkable that a more general way of expression can be chosen, less justified than in this case. Let me draw your attention to the first sentence:

"All the defendants, acting through the instrumentality of FARBEN and other wise, with divers other persons, during a period of years preceding 8 May 1945, participated as leaders, organizers, instigators, and accomplices in the formulation and execution of a common plan or conspiracy to commit, or which involved the commission of Crimes against Peace (including the acts constituting War Crimes and Crimes against Humanity, which were committed as an integral part of such Crimes against Peace) as defined by Control Council Law No. 10, and are individually responsible for their own acts and for all acts committed by any persons in the execution of such common plan or conspiracy."

The defendants are personally responsible for their own acts and for any other acts which any other persons committed in the execution of this common plan for conspiracy. Your Honors, the Prosecution doesn't even bother to give us any details. They say, "together with several other persons," but they aren't mentioning them. They say generally that the I. G. and other means were used, but they don't quote the other means of this conspiracy. They never quote anything at all in detail.

I think that I have been able to show you, by means of four or five examples, that this indictment is, in fact, not in compliance with Article IV. I might supplement my statement by saying this, it is beyond a doubt not the duty on the part of the Prosecution to hand over all documents of the evidence, but in Article IV it is proscribed that all such documents are to be submitted in the German language before the

end of 30 days, which are put forward in connection with the indictment.

The importance of the English version of this Article may be argued about. It is the interpretation of the Prosecution on this Article that they only have to submit such documents, together with the indictment, as are already linked with the indictment as an appendix. Quite possibly that may be true if you interpret the regulation word by word, but it certainly does not comply with the intention of the meaning. If I am to describe the details of the indictment, and as I have already said this is only done in connection with Case I, then at least documents which are clearly and thoroughly mentioned must be submitted at the same time. If, for instance it is stated in Count II, as a matter of fundamental importance in connection with "Plunder and Spoliation", and the Goering Decree dated October 19, 1939 is quoted, and if three sentences from that document are re-printed, then in my opinion this is a document which is in connection with the indictment, and therefore according to the Regulation must be submitted at the same time.

I don't want to delay the High Tribunal by multiplying my examples. They are integral parts of this indictment, and they are a part of this specification which we request because only then will sufficient clarity be achieved.

GENERAL TAYLOR: May it please the Court, I am convinced that everything Dr. Siemers has said is quite as irrelevant, as was everything Dr. Boettcher said.

I clearly understood the Court to ask, at the conclusion of Dr. Boettcher's argument, whether any motion had been filed requesting a dismissal of the Bill of Particulars, and there is a clear answer, no such motion has been filed.

In order to prevent a repetition of Dr. Siemer's

insurgent remarks, the Prosecution now formally requests that the pleas of the defendants be taken; and if there are any objections to the form and substance of the indictment, the defendants file a motion in accordance with the rules of the Court with which all of them are fully familiar.

THE PRESIDENT: As the Tribunal understands the arguments of counsel for the defense, three propositions have been urged; one that the indictment does not charge an offense within the language or the meaning of the laws of the Charter and the Ordinances under which this Tribunal operates. That matter would go to the jurisdiction of this Tribunal as applied to these defendants, and any objection may be as well raised on the offering of the evidence or in the final argument as now, and it cannot be seen how the arraignment of the defendants would injure their rights in that regard.

The second proposition urged appears to be that the indictment does not charge the offenses with sufficient certainty. Manifestly this Tribunal would be in no position to pass decision upon such a matter without a definite and specific motion before it, setting out certainly the parts of the indictment which ought to be made more definite and certain, in order to permit the defendants to make their proper showing.

Now, the third proposition appears to be a motion for a continuance of the cause, and it is the view of the Tribunal that on the present state of the record that matter was passed upon by the presiding Judges. This Tribunal is not disposed at this time to disturb the ruling of the presiding Judges in that regard, and unless and until some further facts are presented to the Tribunal we shall be obliged to consider that matter as closed.

The Tribunal will now rise for about 10 minutes, after

which the arraignment of the defendants will proceed without further interruption.

(Thereupon a 10-minute recess was taken.)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: The Secretary-General will proceed with the calling of the defendants for arraignment.

THE SECRETARY-GENERAL: Carl Krauch.

THE PRESIDENT: Defendant Carl Krauch, have you counsel?

DEFENDANT KRAUCH: Yes, sir.

THE PRESIDENT: Was the indictment in the German language served upon you at least 30 days ago?

DEFENDANT KRAUCH: Yes, sir.

THE PRESIDENT: Have you had an opportunity to read the indictment?

DEFENDANT KRAUCH: Yes.

THE PRESIDENT: Have you read the indictment?

DEFENDANT KRAUCH: Yes.

THE PRESIDENT: Defendant Carl Krauch, how do you plead to this indictment, guilty or not guilty?

DEFENDANT KRAUCH: Not guilty.

THE PRESIDENT: You may be seated.

THE SECRETARY-GENERAL: HERMANN SCHMITZ.

THE PRESIDENT: Defendant Hermann Schmitz, have you counsel?

DEFENDANT SCHMITZ: Yes.

THE PRESIDENT: Was the indictment in the German language served upon you at least 30 days ago?

DEFENDANT SCHMITZ: Yes.

THE PRESIDENT: Have you had an opportunity to read the indictment?

DEFENDANT SCHMITZ: Yes.

THE PRESIDENT: Have you read the indictment?

DEFENDANT SCHMITZ: Yes.

THE PRESIDENT: Defendant Hermann Schmitz, how do you plead to this indictment, guilty or not guilty?

DEFENDANT SCHMITZ: Not under any circumstances guilty.

THE SECRETARY GENERAL: Georg Von Schnitzler.

THE PRESIDENT: Georg Von Schnitzler, have you counsel?

DEFENDANT VON SCHNITZLER: Yes.

THE PRESIDENT: Was the indictment in the German language
been served upon you at least 30 days ago?

DEFENDANT VON SCHNITZLER: Yes.

THE PRESIDENT: Have you had an opportunity to read the in-
dictment?

DEFENDANT VON SCHNITZLER: Yes.

THE PRESIDENT: Have you read the indictment?

DEFENDANT VON SCHNITZLER: Yes.

THE PRESIDENT: Defendant Georg Von Schnitzler, how do you
plead to this indictment, guilty or not guilty?

DEFENDANT VON SCHNITZLER: Not guilty.

THE SECRETARY GENERAL: Fritz Gajewski.

THE PRESIDENT: Defendant Fritz Gajewski, have you counsel?

DEFENDANT GAJEWSKI: Yes.

THE PRESIDENT: Was the indictment in the German language
served upon you at least 30 days ago?

DEFENDANT GAJEWSKI: Yes.

THE PRESIDENT: Have you had an opportunity to read the in-
dictment?

DEFENDANT GAJEWSKI: Yes.

THE PRESIDENT: Have you read the indictment?

DEFENDANT GAJEWSKI: Yes.

THE PRESIDENT: Defendant Fritz Gajewski, how do you plead
to this indictment, guilty or not guilty?

DEFENDANT GAJEWSKI: Not under any circumstances guilty.

THE SECRETARY GENERAL: Heinrich Hoerlein.

THE PRESIDENT: Defendant Hoerlein, have you counsel?

DEFENDANT HOERLEIN: Yes.

THE PRESIDENT: Was the indictment in the German language

served upon you at least 30 days ago?

DEFENDANT HOERLEIN: Yes.

THE PRESIDENT: Have you had an opportunity to read the indictment?

DEFENDANT HOERLEIN: Yes.

THE PRESIDENT: Have you read the indictment?

DEFENDANT HOERLEIN: Yes.

THE PRESIDENT: Defendant Heinrich Hoerlein, how do you plead to this indictment, guilty or not guilty.

DEFENDANT HOERLEIN: Not guilty.

THE SECRETARY GENERAL: August Von Knieriem.

THE PRESIDENT: Defendant August Von Knieriem, have you counsel?

DEFENDANT VON KNIERIEM: Yes.

THE PRESIDENT: Was the indictment in the German language served upon you at least 30 days ago?

DEFENDANT VON KNIERIEM: Yes.

THE PRESIDENT: Have you had an opportunity to read the indictment?

DEFENDANT VON KNIERIEM: Yes.

THE PRESIDENT: Have you read the indictment?

DEFENDANT VON KNIERIEM: Yes.

THE PRESIDENT: How do you plead to this indictment, guilty or not guilty?

DEFENDANT VON KNIERIEM: Not guilty.

THE SECRETARY GENERAL: Fritz Ter Meer.

THE PRESIDENT: Defendant Fritz Ter Meer, have you counsel?

DEFENDANT TER MEER: Yes.

THE PRESIDENT: Was the indictment in the German language served upon you at least 30 days ago?

DEFENDANT TER MEER: Yes, yes.

THE PRESIDENT: Have you had an opportunity to read the indictment?

DEFENDANT TER MEER: Yes.

THE PRESIDENT: Have you read the indictment?

DEFENDANT TER MEER: Yes.

THE PRESIDENT: Defendant Fritz Ter Meer, how do you plead to this indictment, guilty or not guilty?

DEFENDANT TER MEER: Not guilty.

THE SECRETARY GENERAL: Defendant Christian Schneider.

THE PRESIDENT: Defendant Christian Schneider, have you counsel?

DEFENDANT TER MEER: Yes.

THE PRESIDENT: Was the indictment in the German language served upon you at least 30 days ago?

DEFENDANT SCHNEIDER: Yes.

THE PRESIDENT: Have you had an opportunity to read the indictment?

DEFENDANT SCHNEIDER: Yes.

THE PRESIDENT: Have you read the indictment?

DEFENDANT SCHNEIDER: Yes.

THE PRESIDENT: Defendant Christian Schneider, how do you plead to this indictment, guilty or not guilty?

DEFENDANT SCHNEIDER: Not guilty.

THE SECRETARY GENERAL: Otto Ambros.

THE PRESIDENT: Defendant Otto Ambros, have you counsel?

DEFENDANT AMBROS: Yes.

THE PRESIDENT: Was the indictment in the German language served upon you at least 30 days ago?

DEFENDANT AMBROS: Yes.

THE PRESIDENT: Have you had an opportunity to read the indictment?

DEFENDANT AMBROS: Yes.

THE PRESIDENT: Have you read the indictment?

DEFENDANT AMBROS: Yes.

THE PRESIDENT: Defendant Otto Ambros, how do you plead to

the indictment, guilty or not guilty?

DEFENDANT AMBROS: Not guilty.

THE SECRETARY GENERAL: Ernst Buergin.

THE PRESIDENT: Defendant Ernst Buergin, have you counsel?

DEFENDANT BUEGIN: Yes.

THE PRESIDENT: Was the indictment in the German language served upon you at least 30 days ago?

DEFENDANT BUEGIN: Yes.

THE PRESIDENT: Have you had an opportunity to read the indictment?

DEFENDANT BUEGIN: Yes.

THE PRESIDENT: Defendant Ernst Buergin, how do you plead to this indictment, guilty or not guilty?

DEFENDANT BUEGIN: Not guilty.

THE SECRETARY GENERAL: Heinrich BueteFisch.

THE PRESIDENT: Defendant Heinrich BueteFisch, have you counsel?

DEFENDANT BUETEFISCH: Yes.

THE PRESIDENT: Was the indictment in the German language served upon you at least 30 days ago?

DEFENDANT BUETEFISCH: Yes.

THE PRESIDENT: Have you had an opportunity to read the indictment?

DEFENDANT BUETEFISCH: Yes.

THE PRESIDENT: Have you read the indictment?

DEFENDANT BUETEFISCH: Yes.

THE PRESIDENT: How do you plead to this indictment, guilty or not guilty?

DEFENDANT BUETEFISCH: Not guilty.

THE SECRETARY GENERAL: Paul HaeFliger.

THE PRESIDENT: Defendant Paul HaeFliger, have you counsel?

DEFENDANT HAEFLIGER: Yes.

THE PRESIDENT: Was the indictment in the German language

served upon you at least 30 days ago?

DEFENDANT HAEFLIGER: Yes.

THE PRESIDENT: Have you had an opportunity to read the indictment?

DEFENDANT HAEFLIGER: Yes.

THE PRESIDENT: Have you read the indictment?

DEFENDANT HAEFLIGER: Yes.

THE PRESIDENT: How do you plead to this indictment, guilty or not guilty?

DEFENDANT HAEFLIGER: Not guilty.

THE SECRETARY GENERAL: Max Ilgner.

THE PRESIDENT: Defendant Max Ilgner, have you counsel?

DEFENDANT ILGNER: Yes.

THE PRESIDENT: Was the indictment in the German language served upon you at least 30 days ago?

DEFENDANT ILGNER: Yes.

THE PRESIDENT: Have you had an opportunity to read the indictment?

DEFENDANT ILGNER: Yes.

THE PRESIDENT: Did you read the indictment?

DEFENDANT ILGNER: Yes.

THE PRESIDENT: How do you plead to this indictment, guilty or not guilty?

DEFENDANT ILGNER: Not guilty.

THE SECRETARY GENERAL: Friedrich Jaehne.

THE PRESIDENT: Defendant Friedrich Jaehne, have you counsel?

DEFENDANT JAEHNE: Yes.

THE PRESIDENT: Was the indictment in the German language served upon you at least 30 days ago?

DEFENDANT JAEHNE: Yes.

THE PRESIDENT: Have you had an opportunity to read the indictment?

DEFENDANT JAEHNE: Yes.

THE PRESIDENT: Have you read the indictment?

DEFENDANT JAEHNE: Yes.

THE PRESIDENT: How do you plead to this indictment, guilty or not guilty?

DEFENDANT JAEHNE: Not guilty.

THE SECRETARY GENERAL: Hans Kuehne.

THE PRESIDENT: Defendant Hans Kuehne, have you counsel?

DEFENDANT KUEHNE: Yes.

THE PRESIDENT: Was the indictment in the German language served upon you at least 30 days ago?

DEFENDANT KUEHNE: Yes.

THE PRESIDENT: Have you had an opportunity to read the indictment?

DEFENDANT KUEHNE: Yes.

THE PRESIDENT: Have you read the indictment?

DEFENDANT KUEHNE: Yes.

THE PRESIDENT: How do you plead to the indictment, guilty or not guilty?

DEFENDANT KUEHNE: Not guilty.

THE SECRETARY GENERAL: Wilhelm Mann.

THE PRESIDENT: Defendant Wilhelm Mann, have you counsel?

DEFENDANT MANN: Yes.

THE PRESIDENT: Was the indictment in the German language served upon you at least 30 days ago?

DEFENDANT MANN: Yes.

THE PRESIDENT: Have you had an opportunity to read the indictment?

DEFENDANT MANN: Yes.

THE PRESIDENT: Have you read the indictment?

DEFENDANT MANN: Yes.

THE PRESIDENT: How do you plead to this indictment, guilty or not guilty?

DEFENDANT MANN: Not guilty.

THE SECRETARY GENERAL: Heinrich Oster.

THE PRESIDENT: Defendant Heinrich Oster, have you counsel?

DEFENDANT OSTER: Yes.

THE PRESIDENT: Was the indictment in the German language served upon you at least 30 days ago?

DEFENDANT OSTER: Yes.

THE PRESIDENT: Have you had an opportunity to read the indictment?

DEFENDANT OSTER: Yes.

THE PRESIDENT: Have you read the indictment?

DEFENDANT OSTER: Yes.

THE PRESIDENT: How do you plead to the indictment, guilty or not guilty?

DEFENDANT OSTER: Not guilty.

THE SECRETARY GENERAL: Walter Duerrfeld.

THE PRESIDENT: Defendant Walter Duerrfeld, have you counsel?

DEFENDANT DUERRFELD: Yes.

THE PRESIDENT: Was the indictment in the German language served upon you at least 30 days ago?

DEFENDANT OSTER: Yes.

THE PRESIDENT: Have you had an opportunity to read the indictment?

DEFENDANT DUERRFELD: Yes.

THE PRESIDENT: Have you read the indictment?

DEFENDANT DUERRFELD: Yes.

THE PRESIDENT: How do you plead to the indictment, guilty or not guilty?

DEFENDANT DUERRFELD: Not guilty.

THE SECRETARY GENERAL: Heinrich Gattineau.

THE PRESIDENT: Defendant Heinrich Gattineau, have you counsel?

DEFENDANT GATTINEAU: Yes.

THE PRESIDENT: Was the indictment in the German language served upon you at least 30 days ago?

DEFENDANT GATTINEAU: Yes.

THE PRESIDENT: Have you had an opportunity to read the indictment?

DEFENDANT GATTINEAU: Yes.

THE PRESIDENT: Have you read the indictment?

DEFENDANT GATTINEAU: Yes.

THE PRESIDENT: How do you plead to this indictment, guilty or not guilty?

DEFENDANT GATTINEAU: Not guilty.

THE SECRETARY GENERAL: Erich von Der Heyde.

THE PRESIDENT: Defendant Erich von Der Heyde, have you counsel?

DEFENDANT VON DER HEYDE: Yes.

THE PRESIDENT: Was the indictment in the German language served upon you at least 30 days ago?

DEFENDANT VON DER HEYDE: Yes.

THE PRESIDENT: Have you had an opportunity to read the indictment?

DEFENDANT VON DER HEYDE: Yes.

THE PRESIDENT: Have you read the indictment?

DEFENDANT VON DER HEYDE: Yes.

THE PRESIDENT: How do you plead to the indictment, guilty or not guilty?

DEFENDANT VON DER HEYDE: Not guilty.

THE SECRETARY GENERAL: Hans Kugler.

THE PRESIDENT: Defendant Hans Kugler, have you counsel?

DEFENDANT KUGLER: Yes.

THE PRESIDENT: Was the indictment in the German language served upon you at least 30 days ago?

DEFENDANT KUGLER: Yes.

THE PRESIDENT: Have you had an opportunity to read the indictment?

DEFENDANT KUGLER: Yes.

THE PRESIDENT: Have you read the indictment?

DEFENDANT KUGLER: Yes.

THE PRESIDENT: How do you plead to the indictment, guilty or not guilty?

DEFENDANT KUGLER: Not guilty.

THE PRESIDENT: All of the defendants now present having answered that they have had an opportunity to read the indictment and that they have read the indictment, there appears to be no reason why the indictment should be read again. Unless there is an objection, the formal reading of the indictment will be considered to have been waived. There being no such objection, it is so ordered.

We are advised that this court room will not be available for the purposes of this case for a few days. In the meantime, there may be some matters which the Tribunal may desire to take up with counsel in chambers. There are some pending motions with respect to which we should like to be advised and if it is contemplated that other motions may be filed, we will appreciate it, if counsel will get them to us as promptly as possible so that we may consider them and hear you in the meanwhile.

The Tribunal will now be in recess until Wednesday, August 27, at 9:30 o'clock in the morning. The Tribunal will now rise.

The Tribunal adjourned to meet Wednesday, 27 August 1947, at 9:30 o'clock.

*First Motion of the Prosecution
concerning the Engl. Transcript
34 from Page 45 to Page 676
filed after this transcript
pp 34(1) Alvin 34(16)*

1947

MILITARY TRIBUNALS
Nurnberg, Germany
UNITED STATES OF AMERICA
Against
KRAUCH and Others (Case VI)

FIRST MOTION OF THE PROSECUTION TO
CORRECT THE ENGLISH TRANSCRIPT

1. The prosecution herewith moves that the Tribunal order that the corrections indicated below be made in the official mimeographed copies of the English transcript.

2. In this connection, the prosecution suggests that the Tribunal set a date certain (a week or ten days hence) by which the defense either agrees to the corrections stated below or else states in writing its counter-proposals, if any, to these suggested corrections. Meanwhile representatives of the prosecution and the defense can discuss any disagreements and attempt to arrive at a stipulation on any items which may be in issue initially.

Transcript -- page --	Line(s)	----- PROPOSED CORRECTION -----
1. 45	30	Add footnote number "1" after last word.
2. 45		Place following footnote at bottom of page: 1. Report of U.S. Alien Property Custodian (1919), pp. 25-26.
3. 46	13-14	Delete the following: "1. Report of U.S. Alien Property Custodian (1919), pp. 25-26."
4. 51	27	Delete as repetition the following: "The German chemical plants."
5. 61	28	Change "other selved" to read "other was selved".
6. 66	28	Change "submit more" to read "submit no more".
7. 70	30	Change "colenting" to "cementing".

Transcript -- page --	Line(s) --	PROPOSED CORRECTION
8. 71	10-11	Delete as repetition from "Inasmuch", fourth word in line 10, to "evidence", fifth word in line 11.
9. 77	2	Change "who were work in organization" to read "who were the authors of this war, they did achieve a stupendous work in organization."
10. 93	1-6	Indent entire paragraph (quotation).
11. 93	14-21	Indent entire paragraph (quotation).
12. 105	3	Delete period after "concerns".
13. 107	1	No new paragraph; small "w" in "written" (continued sentence).
14. 115		Should be renumbered "116".
15. 116		Should be renumbered "115".
16. 120	1-6	Indent (continuation of quotation at end of page 119).
17. 140	22	Change "the German word is (Fushrer)" to read "(the German word is "Fuehrer")."
18. 160	1	Begin paragraph with quotation marks.
19. 193	16	"von Heyde" should be "von Heider".
20. 195	4	Change "immature" to "premature".
21. 199	22	Change "that a great documentary evidence." to read "that there is a great amount of documentary evidence."

Transcript page	Line(s)	PROPOSED CORRECTION
22. 203	20	Delete "each document center established --".
23. 212	31	"NI - 5631" should be "NI - 6531".
24. 238	16	"Pontesheim" should be "Preungesheim".
25. 228	24	"Pontesheim" should be "Preungesheim".
26. 233	14	Change "might to towards" to read "might lead towards".
27. 233	15	Change "before that certain statements have been made this morning concerning the prior notice in the IMT." to read "before when certain statements were made this morning concerning the prior practice in the IMT."
28. 233	21	Change "this a form for" to read "this a forum for".
29. 233	27-28	Change "we would be able to save a llt of dilatory practice so" to read "we may be able to save a lot of dilatory practice and so".
30. 236	2-3	Delete as repetition all of line 2 and first word "being" of line 3.
31. 236	13	Change "executed and did" to read "executed in English and we did".
32. 252	1	"Weskott" should be "Baessler".
33. 270	24-27	Change "to mark for identification. That is a statement of the defendant Gattineau with respect to Prosecution Exhibit 27

Transcript page	Line(s)	PROPOSED CORRECTION
		marked for identification," to read "to mark also for identification as Exhibit 27, Document MI .. 5170, the statement of the defendant Gattineau with respect to Prosecution Exhibit 26."
34. 271	15	"interference" should be "inference",
35. 276	23	"attention" should be "protection".
36. 280	15	"subsidiaries" should be "subsides".
37. 280	16	"subsidiaries" should be "subsides".
38. 281	27	"since reintentions" should be "sincere intentions".
39. 286	29	"44" should be "34".
40. 287	26	"prejudiced" should be "prejudicial".
41. 295	23	"overlook" should be "check".
42. 304	2	"Dewell" should be "Devine".
43. 306	28	Change "any intentionally" to read "any untruth intentionally".
44. 310	2	"errors" should be "corrections".
45. 314	13	"Strauss" should be "Struss".
46. 315	21	"make" should be "read".
47. 316	4-5	Change "They give me -- Ter Meer, in the first instance, to understand here I must" to read "They gave me -- Ter Meer, in the first instance -- to understand --. Here I must".

Transcript page	Line(s)	PROPOSED CORRECTION
48. 324	6	"Course" should be "coercion".
49. 325	26	Change "proposition" to read "proposition that".
50. 328	8	"delegate Schmidt" should be "minister Schmidt".
51. 340	20	"NI - 16029" should be "NI - 10029".
52. 345	1	Change "Then identify the" to read "Then he identifies the".
53. 347	3	Delete "book" (fifth word in line).
54. 349	19	"\$300,000" should be "RM 300,000".
55. 350	13	Change "to discretion" to read "to use discretion".
56. 350	15	Place "Mr. AMCHAN:" at beginning of line before "There followed".
57. 355	2	Change "document book" to read "indictment".
58. 358	28	Change "gesetz" to read "legal gazette".
59. 368	14	Change "a German in the" to read "a General on the".
60. 373	17	"1945" should be "1935".
61. 381	30	Delete quotation marks before "this is". Change "war report office" to read "war office report".
62. 386	14	"Ribber" should be "Ritter".

Transcript page	Line(s)	PROPOSED CORRECTION
63. 392	8	Change "MR. SPRECHER: Yes. Your Honors". to read: THE MARSHALL: Yes. MR. SPRECHER: Your Honors.
64. 394	4	Change "was a conference," to read "related to a conference of military officials at which,".
65. 395	20	"of dynamite" should be "of Dynamit A.G.".
66. 403	31	"about secret plans;" should be "about secret plants,".
67. 406	27	"NI - 6487," should be "NL- 6497,".
68. 407	13	Delete the word "to" before "a 100 percent I.G.".
69. 417	9	"General von Heider" should be "Mr. von Heider".
70. 422	24	Change "taken over for Sparte 2." to read "taken over for Sparte 1!".
71. 429	11	"then now" should be "them now."
72. 429	14	Change "they can be put in evidence with less" to read "can be put in evidence later with less".
73. 429	18	Change "The later document to" to read "The documents later than".
74. 431	5	"on" should be "one".

Transcript page	Line(s)	PROPOSED CORRECTION
75. 432	2	Change "of these" to read "of which these".
76. 433	21	Change "page 59 and to" to read "pages 59 and 60".
77. 433	24	Change comma after Vermittlungsstelle W to a period. Begin new sentence with "Whereas".
78. 433	32	Change "coordination of the needed" to read "coordination which needed".
79. 434	4	Change "pages 61 to tw" to read "pages 61 to 62".
80. 434	13	Change "were taken together here, were" to read "when taken together here, is".
81. 435	2	Change "page 43 to the pages" to read "page 43 of the English and to pages".
82. 437	15	Change "concern I.G. Farben that" to read "concerning I.G. Farben to prove that".
83. 438	12	Delete the number "1" before the quotation marks.
84. 438	13	Place the number "1" inside the quotation marks at beginning of sentence.
85. 438	16	Place the number "2" inside the quotation marks at beginning of sentence.
86. 440	9	Change "that the industry" to read "that of the industry".
87. 445	21	"explasion" should be "expansion".

Transcript page	Line(s)	PROPOSED CORRECTION
88. 446	7	Change "prosecution of maybe" to read "prosecution or maybe".
89. 448	25	"keep" should be "give".
90. 448	26	First word "end" should be "and". Place period after "numbers." Change "NI - 6912" to read "NI - 6192".
91. 448	27	Change comma after "Exhibit 153" to period. Begin new sentence with "This".
92. 455	16-17	Change comma after "conference" to period. Change "the number of lawyers and raised points" to read "A number of lawyers raised points;".
93. 456	8-9	Change comma after "plants" to period. Begin new sentence with "Normally" in next line.
94. 460	26	Change "was industry" to read "war industry".
95. 464	14	"exercised" should be "exercises".
96. 464	25	"Sparte A - 2" should be "Sparte 2".
97. 466	10	"joint" should be "giant".
98. 469	23	Place quotation marks before "which".
99. 473	7-8	Delete as repetition all of line 7 and first word "Schneider" in line 8.
100. 476	10	"production plans" should be "production plants".

Transcript -- page --	Line(s)	PROPOSED CORRECTION
101. 477	9	"Gattineau" should be "Noack". Delete "of Noack", the last two words in line.
102. 479	9-10	Change "numeral II, remarks, as in Fall B" to read "numeral II, the remark "as in Fall B.".
103. 479	31	"objective" should be "objected".
104. 481	2	Change "matters in conflict" to read "matters could conflict.".
105. 485	4	Change "to page....," to read "to the end of the page,".
106. 485	19	"62 or 62" should be "62 or 63".
107. 485	26	"peroration" should be "coordination".
108. 487	4	Change "which follows any possible was publically known" to "which removes any possible doubt as to what was publicly known".
109. 487	15	"craft," should be "protection,".
110. 488	7	Change "figures of farben" to read "figures for Farben".
111. 488	8	Change "Farven is at coalation of" to read "Farben is aiming at correlation of".
112. 488	9	Change last word in line "for" to "with".
113. 488	12	Change "are in plants" to read "involve the plants".

Transcript -- page --	Line(s) --	PROPOSED CORRECTION
114. 488	20	Change comma after "plant" to period. Begin new sentence with "However".
115. 488	21	"Bund" should be "Buna". Change "is offered," to read "resulted,".
116. 488	23-24	Change "which of course had taken place discussions," to read "discussions had taken place".
117. 488	25	Change "stand-by plants." to read "stand-by plants for certain specific products.".
118. 488	25-28	Change last sentence in paragraph to read as follows: "I will pass up the specific products now because I think that later with the aid of an expert witness about the significance of some of these products, it will take up less time."
119. 488	31	Change "is to be represents the intimary" to read "represents the epitome".
120. 489	4	Change "aanomatous situations situation" to read "anamolous situation." Begin new sentence with "Krauch".
121. 489	7	Change "then Goering" to read "than Goering". Delete as repetition last three words in line "at that time,".
122. 489	8	Change first word "at" to "in". Place period after "office." Begin new sentence "And he addressed". Delete last word in line "of".

Transcript -- PAGE --	Line(s) --	PROPOSED CORRECTION
123. 489	9	Delete first word "course,". Change "and Wurster were jointly in charge" to read "and Wurster were, of course, jointly in charge,".
124. 489	14	Change "about the time of Munich," to read "of Austria and about the time of Munich,".
125. 489	16	"tand" should be "plans".
126. 489	18	"Board of the" should be "Board or the".
127. 489	19	Change "a points to certain prerogatives" to begin a new sentence and to read "He points to certain of his prerogatives".
128. 489	22	Change "last he mentions;" to read "last paragraph he mentions:".
129. 489	30	Change "prosecution will require to rely on" to read "prosecution, if required to, could rely on".
130. 490	10	Delete word "quote".
131. 490	14	Change "opinion: material" to read "opinion on material".
132. 490	16	Change comma after "215" to period. Begin new sentence with "Here".
133. 490	17	"Hierschel" should be "Hirschel".
134. 490	25	Change "with increase" to read "will increase".
135. 490	26	Delete quotation marks after "future".

Transcript page	Line(s)	PROPOSED CORRECTION
136. 491	1	Change "id we any" to read "if we may".
137. 491	18	Change "ti is rather interestion" to read "it is rather interesting".
138. 491	29	"amounts" should be "amount". Insert "by" after "day" and before "the", the last two words in the line.
139. 492	29	"Sparte II" should read "Sparte III". Last two words "on of" should be "one of".
140. 492	31	"is Leverkusen" should be "in Leverkusen".
141. 495	21	"Bodesdick" should be "Batestick".
142. 497	21	"117, 118, and 121" should be "117, 118 and 119".
143. 512	15	Change comma to period after "text." Change "which escaped" to "It escaped", beginning a new sentence.
144. 516	21	Change "I.G. Farben expect" to read "I.G. Farben and I expect".
145. 518	14	Change last word in line "secretary" to "Chief".
146. 519	5	Delete "which", first word in line.
147. 521	32	Change "as the index" to read "in the index".
148. 522	1	Change "to", first word in line, to "as".
149. 522	20	"not" should be "note".

Transcript page	Line(s)	PROPOSED CORRECTION
150. 532	30	Change "there was" to read "is".
151. 533	3	Delete "this indicated", last two words in line.
152. 534	1	Change "Document" to "Exhibit".
153. 535	18	Delete "in" before "documents".
154. 535	19	"repetition" should be "representation".
155. 535	27	"notice" should be "alleged".
156. 536	22	"comes" should be "come".
157. 536	23	Change last half of sentence "in goes Vermittlungsstelle W in what, as a" to read as follows: secondly with Vermittlungsstelle W. "As a
158. 536	25	Place quotation marks after "Vermittlungsstelle".
159. 536	26	Delete "as", second word in line.
160. 539	2	Delete period and "It is" after "indicated". Change the next word "on" to "in".
161. 539	12	Change last word "as" to "of".
162. 539	17	"introduction" should be "reproduction".
163. 540	1	Change "that the origin" to read "that concerning the origin".
164. 540	3	Place period after "proof". Delete dash and question mark.

Transcript page	Line(s)	PROPOSED CORRECTION
165. 541	10	"7126" should be "7136".
166. 547	1	"planned" should be "plan".
167. 553	24	"Sparte Chief" should be "Sparte representative".
168. 563	2	Second word "for" should be "or".
169. 569	24	"ready" should be "read".
170. 569	28	"from" should be "over".
171. 570	8	Delete "and", second to last word in line.
172. 577	25	Delete "in", before "a distinction".
173. 587	4	Change first word "of" to "with".
174. 589	9	"action" should be "acting".
175. 594	29	"stated," should be "started,".
176. 595	2	"amened" should be "amended".
177. 617	28	"fried" should be "freed".
178. 625	16	"included" should be "inclined".
179. 629	23	Change "English Document XIV," to read "English Document Book XIV,".
180. 632	29-30	Place quotation marks before "member" in line 29 and after "bureau" in line 30.
181. 633	6	Put parentheses around "administrative council". Change "Sar" to read "Azot S.A.R.".

Transcript -- page --	Line(s)	PROPOSED CORRECTION
182. 633	7	Place quotation marks after "foundation.".
183. 633	12	Place quotation marks after "Pressburg.".
184. 648	10	"absolved" should be "absorbed".
185. 649	6	Change "is order" to read "is in order".
186. 649	27	Change "There's rather" to read "There's a rather".
187. 650	5	Change "Then, which had been carred" to read "principle, which had been carried".
188. 651	8	"question." should be "objection."
189. 651	12	"plant" should be "plants".
190. 651	16	"Works Combine," should be "Works Combines,".
191. 652	2	"one-up" should be "make-up".
192. 652	21	"Ni Wogen" should be "Nitrogen".
193. 653	1	"Gelman" should be "German".
194. 653	4	"Officers" should be "Offices".
195. 656	24	Delete quotation marks before "All".
196. 656	27	Delete quotation marks after "corporations.".
197. 657	6	"GR" should be "I.G.".
198. 658	19	Change "Dr. Bosch Duisberg," to read "Dr. Bosch and/or Duisberg,".
199. 658	24	Change "later, on" to read "later, was on".

Transcript _ page _	Line(s) _	PROPOSED CORRECTION _
200. 659	2	"shows," should be "chose,".
201. 662	12	Insert "was" before "a", last word in line.
202. 670	1	Change period to dash after "explanation".
203. 670	22	Change "matter of reports graphically shown." to read "matters it purports graphically to show.".
204. 671	25	Insert the word "points" after "ter Meer".
205. 672	20	Change comma to period after Vorstand. Change third word in line "them" to "then". Change "thenatyre" to read "the nature".
206. 672	29	Delete "the persons and".
207. 673	4	"group" should be "groups".
208. 673	5	"points" should be "periods". "committee" should be "committees".
209. 673	27	"KE" should be "KA".
210. 674	18	Delete second word in line "was".
211. 676	2	Change comma to period after "Vorstand." Begin new sentence with "Legally".

By: _____
D.A. SPRECHER
Chief, Farben Trial Team

Burnberg: 25 November 1947 _ _
Date

For: TELFORD TAYLOR
Brig. Gen. USA
Chief of Counsel

Official Transcript of the American Military Tribunal No. 6 in the matter of the United States of America against CARL KRAUCH et al. defendants, sitting at Nürnberg, Germany on 27 August 1947, 0930, Justice SHAKE presiding.

THE MARSHAL: The Honorable, The Judges of Military Tribunal VI.

Military Tribunal VI is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the court.

THE PRESIDENT: Military Tribunal VI is now in session.

MR. Marshal, are the defendants in the dock?

THE MARSHAL: May it please Your Honors, all the defendants are present with the exception of the defendants Wurster and Brueggemann who are absent in the hospital.

THE PRESIDENT: The Tribunal will proceed with the arraignment of one of the defendants who was excused from attendance at the opening session.

The defendant Karl Lautenschlaeger will please stand for arraignment.

Defendant Karl Lautenschlaeger, have you counsel?

DEFENDANT LAUTENSCHLAEGE: Yes.

THE PRESIDENT: Was the indictment in the German language served upon you at least thirty days ago?

DEFENDANT LAUTENSCHLAEGE: Yes.

THE PRESIDENT: Have you had an opportunity to read the indictment?

DEFENDANT LAUTENSCHLAEGE: Yes.

THE PRESIDENT: Have you read the indictment?

DEFENDANT LAUTENSCHLAEGE: Yes.

THE PRESIDENT: How do you plead to the indictment, guilty or not guilty?

DEFENDANT LAUTENSCHLAEGER: Not guilty.

THE PRESIDENT: You may be seated.

The Tribunal will, at this time, state, for the record and for the information of counsel, its reasons for an order entered yesterday overruling the defendants' attack upon the indictment and denying their motion for a continuance of the trial.

By a motion, dated 18th August, 1947, filed on the 20th of August, 1947, counsel of the defendants in this case have submitted written objections directed against the legal sufficiency of the indictment, and, on behalf of all defense counsel, this Tribunal has been requested to reject the indictment as "insufficiently substantiated." The motion, reiterating objections made orally on 14th August, 1947, at the arraignment of the defendants, argues that the indictment does not contain sufficient particulars involving individual defendants to substantiate the indictment. This Tribunal is requested, in the alternative, to direct the prosecution to make the indictment more specific as to time, place and circumstances upon which the charges are based as regards each individual defendant. The motion further requests the Tribunal to grant a postponement of six months to permit the defendants to prepare their respective defenses to the indictment.

This Tribunal has entered an order denying this petition in all of its aspects. Because of the insistence with which these requests have been presented, the Tribunal desires briefly to record its reason for the denial of the petition.

(1) In the opinion of this Tribunal, the

indictment is legally sufficient within the intendment of Article IV of Ordinance No. 7, Military Government for Germany. The requirements of the ordinance that "the indictment shall state the charges plainly, concisely, and with sufficient particulars to inform the defendants of the offenses charged" are adequately met in this case. Counts I, II, III and V of the indictment constitute charges against all the defendants, who are alleged to have acted "through the instrumentality of Farben and otherwise, with diverse other persons" in the commission of the specific crimes defined in Article II of Control Council Law No. 10, referred to in each count of the indictment. Those numerous portions of the indictment referring to specific acts or conduct engaged in by the I.G. Farben Industry constitute allegations charging the defendants with criminal responsibility for the acts involved, all as set out in the indictment. Whether or not any or all of the defendants are so responsible is a matter of proof, not to be anticipated by the motion for further particulars filed therein.

Appendix A to the indictment may properly be viewed in the nature of a bill of further particulars. It contains, in detail, a statement of the high positions held by each of the defendants in the I.G. Farben Industry and in the financial, industrial and economic life of Germany, and of the respective high positions held by each of the defendants in the political, military and civil life. It is furthermore specifically alleged in Appendix A to the indictment that each of the defendants committed Crimes against

Peace as set forth in Count one, and War Crimes and Crimes against Humanity as set forth in Counts Two, Three, and Five by using their high positions and personal influence for participation in the commission of the crimes as charged. Appendix A of the indictment may therefore be properly viewed as supplementing the general charges in the indictment, to the same extent that Appendix A of the indictment against the major war criminals before the International Military Tribunal served a similar purpose in that case. In view of the Tribunal, the indictment, together with the Appendix, is sufficiently in detail in order fairly to apprise each of the defendants of the crimes charged against him. There is no legal requirement that the indictment must state each and every fact or item of evidence upon which the prosecution's charges are based. To the extent that the motion filed on behalf of the defendants would demand such particulars, it amounts to anticipating matters of defense. The indictment is, therefore, legally sufficient under Ordinance # 7.

(2) Motion for a three months' postponement in this case was previously considered by the presiding judges of the Military Tribunals and denied, under date of 30 July 1947. The present petition for a six months' postponement amounts merely to a reiteration of the defendants' request previously considered and denied. In the opinion of this Tribunal, no substantial rights of the defendants are denied by refusing the petition for a six months' postponement of the case. The defendants have had almost four months in which to prepare their defense. Further time for the preparation of the defense

will be afforded during the period required for the presentation of the prosecution's case. The defense is already in possession of numerous documents upon which the prosecution will rely. If, as the trial progresses, it appears on proper application to the Tribunal that a continuance is necessary, such application will be then considered in the light of the particular circumstances then involved.

This Tribunal is in full accord with the opinion of the presiding judges dated 30 July 1947 that the application for a continuance should be denied at this time.

The Tribunal is now

DR. BOETTCHER (Defense Counsel for defendant Krauch): Your Honors, I should like to make a brief statement.

Since the motion of defense counsel to reject the indictment as not substantiated has been rejected, it is necessary for the defense to point out the following. The Encyclopedia of Federal Procedure in paragraph 2135 states that the defendant cannot complain about the rejection of his motion to reject the indictment unless he has objected to the denial of the motion at the time of the decision. This objection is hereby raised by the defense, in order to reserve all rights arising from this denial.

THE PRESIDENT: The record will so indicate.

The Tribunal is now ready to hear the opening statement of the prosecution.

GENERAL TAYLOR: May it please the Tribunal,

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The grave charges in this case have not been laid before the Tribunal casually or unreflectingly. The indictment accuses these men of major responsibility for visiting upon mankind the most searing and catastrophic war in modern history. It accuses them of wholesale enslavement, plunder, and murder. These are terrible charges; no man should underwrite them frivolously or vengefully, or without deep and humble awareness of the responsibility which he thereby shoulders. There is no laughter in this case; neither is there any hate.

The world around us bears not the slightest resemblance to the Elysian Fields. The face of this continent is hideously scarred and its voice is a bitter snarl; everywhere man's works lie in ruins, and the standard of existence is purgatorial. The first half of this century has been a black era; most of its years have been years of war, or of open menace, or of painful aftermath, and he who seeks today to witness oppression, violence, or warfare need not choose his direction too carefully not travel very far. Shall it be said, then, that all of us, including these defendants, are but the children of a poisoned span, and does the guilt for the wrack and torment of these times defy apportionment?

It is easy thus to settle back with a philosophic shrug or a weary sigh. Resignation and detachment may be inviting, but they are a fatal abdication. God gave us this earth to be cultivated as a garden, and not to be turned into a stinking pile of rubble and refuse. If the times be out of joint, that is not to be accepted as a divine scourge, or the working of an inscrutable fate which men are powerless to effect. At the root of these troubles are human failings, and they are only to be overcome by purifying the soul and exerting the mind and body.

This case, like any criminal proceeding, finds its

justification only as part of this process of redemption and reconstruction. We have been told from the Mountain to judge not, that we be not judged, and we will do well to reflect upon and seek to comprehend this profound prohibition. It is at once the touchstone of the judicial process, and the core of this particular and fateful proceeding.

This solemn injunction, far from being a bar to the jurisdiction of the Tribunal, is its foundation. It reminds the individual of his own frailty and fallibility. It is not for any man to pierce the veil and divine the great absolutes. The Judge must not judge in his own name or uninstructed; he judges under laws derived from revered scriptures and the wisdom of the ages, and declared or commonly accepted as binding by the community, large or small, whose agent and servant he is. That is why the judicial robe is a garment of humility, not of pride.

But this mandate is not for judges only; it is universal. It warns man not to set himself up as better than his fellows, and not to impose his personal notions of good and evil on his neighbours. It is an exhortation against arrogance, presumption, and vanity. It is the divine ordinance of rights and duties among men. From it are derived all the great proclamations of human dignity in modern times, and on it are bottomed the very principles of law under which these defendants are to be tried.

The crimes with which these men are charged were not committed in rage, or under the stress of sudden temptation; they were not the slips or lapses of otherwise well-ordered men. One does not build a stupendous war machine in a fit of passion, nor an Auschwitz factory during a passing spasm of brutality. What these men did was done with the utmost deliberation and would, I venture to surmise, be repeated if

the opportunity should recur. There will be no mistaking the ruthless purposefulness with which the defendants embarked upon their course of conduct.

That purpose was to turn the German nation into a military machine and build it into an engine of destruction so terrifyingly formidable that Germany could, by brutal threats and if necessary by war, impose her will and her dominion on Europe and, later, on other nations beyond the seas. In this arrogant and supremely criminal adventure, the defendants were eager and leading participants. They joined instamping out the flame of liberty, and in subjecting the German people to the monstrous, grinding tyranny of the Third Reich, whose purpose it was to brutalize the nation and fill the people with hate. They marshalled their imperial resources and focussed their very formidable talents to forge the weapons and other implements of conquest which spread the German terror. They were the warp and woof of the dark mantle of death that settled over Europe.

The defendants will, no doubt, tell us that they were merely overzealous, and perhaps misguided, patriots. We will hear it said that all they planned to do was that any patriotic businessman would have done under similar circumstances. The German Wehrmacht was weak; they helped to make it strong. They were responsible for the management of a vast industry of international scope, and a strong Germany would help to make their enterprise more profitable. As for the carnage of war and the slaughter of innocents, those were the regrettable deeds of Hitler and the Nazis, to whose dictatorship they, too, were subject. What has happened is indeed most unfortunate, they will admit, but we will be assured that there is nothing that any of them could possibly have done about it.

However plausible, this is not the truth. These are men who stooped at nothing. They were the magicians who made the fantasies of "Mein Kampf" come true. They were the guardians of the military and state secrets of the Third Reich. They were the master builders of the Wehrmacht; they and very few others knew just how many airplane and truck tires and tank treads were being built from Farben buna rubber and just how large the stock pile of explosives was. They knew every detail of the intricate and enormous engine of warfare, and watched its growth with an architect's pride. They knew that the engine was going to be used, and they planned to use it themselves. Europe was dotted with mines and factories which they coveted, and for each step in the march of conquest there was a program of industrial plunder which was put into prompt and ruthless execution. These are the men who made war possible, and they did it because they wanted to conquer.

Did they plan an easy yoke for the peoples they were determined to subject? Were they benevolent despots under whose sway the humanities would flourish? Can we hear any note of idealism cut through the din and clangor of war? In 1940, the defendants were planning the construction of their fourth plant for the manufacture of synthetic rubber, the output of which would be vitally necessary if the war was to be long continued. They decided to build it in eastern Europe, and the defendant Ambros went prospecting for a suitable location. In conquered Poland, Ambros was shown a town where one of Himmler's largest concentration camps had just been built. The town was Oswiecim, known to the Germans as Auschwitz. Ambros found the site otherwise suitable, and was particularly interested in the possibility of using the concentration camp inmates to erect the plant, all of which was reported to the other defendants. They agreed, and

construction of the Farben Auschwitz plant was promptly undertaken. What happened at Auschwitz during those years will later be set forth in some detail. Himmler, for a price, furnished the defendants with the miserable inmates of his camp, who slaved and died to build the buna factory. It is a revolting story of brutality and murder. But this scheme was part of the standard pattern of the Third Reich, and it found great favour with the defendants. In 1943, a fifth buna plant was projected, and the defendant Kreuch wrote to Heinrich Himmler;

I was particular pleased to hear that....you hinted that you may possibly aid the expansion of another synthetic factory, which I consider absolutely essential for securing rubber supplies, in a similar way as was done at Auschwitz, by making available inmates of your camps if necessary. I have also written to Minister Speer to this effect and would be grateful if you would continue sponsoring and aiding us in this matter.

These words might have been written by any of the defendants. It is a letter of unmitigated presumption and scorn for the laws of God and man. These men dared to judge. They judged themselves alone as fit to sway the destiny of the world. They judged themselves entitled to subjugate and to command. They judged the Jew, the Pole and the Russian to be untouchable. All their judgments sprang from a bottomless vanity and an insatiable ambition which exalted their own power as the supreme and only good. They rendered and executed these arrogant pronouncements with whip and sword. There is hardly a country in Europe that escaped the carnage which these men loosed, and the day will surely come when their own countrymen will fully grasp what a catastrophic

abomination they worked for Germany. It is no act of vengeance but an inescapable and solemn duty, to test the conduct of these men by the laws and commandments which they dared to disavow.

I do not want to burden the Tribunal with tedious exposition, but we are concerned here with 23 individuals who occupied key positions in a mammoth and intricate industrial establishment. In order to understand this case, it is necessary to gain a general knowledge of the history and structure of the Farben Empire, and of how several defendants fitted into the organization.

About the time of the War between the States in America, and during the period when Bismarck was effecting the unification of Germany, a number of enterprises grew up in western Germany, particularly in the Rhine Valley, for the manufacture of synthetic dyes and a few basic chemicals. These concerns grew rapidly with the progress of science, and to meet the needs of modern industrial economy for chemical products. Very soon numerous other synthetic products were discovered. The traditional German ability in scientific research and technique made itself abundantly apparent as these firms prospered. Bismarck, among others, was quick to grasp the tremendous implications of chemistry in the modern world, and the German government did much to foster chemical research and the expansion of chemical facilities. The result was that the German chemical industry, particularly in the manufacture of dyes and in chemical research, far outstripped its rivals in other countries. The Alien Property Custodian of the United States, in his report in 1919 on the chemical industry, declared that:

The German chemical industry, which had so thoroughly penetrated and permeated our own, was gigantic, per-

haps the strongest, and certainly the most remunerative of all Teutonic industries.....

From about the middle of the nineteenth century, the practical application of chemical science began to occupy the attention of a constantly increasing number of the best scientific and industrial minds of Germany. A combination of natural advantages and national characteristics led to rapid advance.....

These advantages were made use of to an extent nowhere else approached, because from a comparatively early date the importance of research work to practical industry was firmly grasped by both.....

1. Report of U. S. Alien Property Custodian (1919), pp. 25-26 the industrial and governmental ruling classes. The alliance of the manufacturer and the university professor became constantly closer. To meet the needs pointed out by the industrial leaders, armies of plodding, but nevertheless skillful, chemists completed hundreds of thousands of separate researches. The results of these kept the German chemical industry constantly in the van -- always somewhat ahead of their competitors in other countries in the way of new processes and products.

The technical complexity of the synthetic dye industry and particularly the inevitable production of numerous by-products for which some practical use was always being sought, led to an impressive flowering of chemical research, and to the expansion of these industries into other commercial fields. Medicines and fertilizers were developed along with dyes. In its origins the business was peaceful enough; it furnished working materials to the peasant and weaver, and the stock-in-trade of the druggist.

At about the end of the nineteenth century, a strong tendency developed for the several big German chemical firms to come together in pooling arrangements or cartels, for the purpose of controlling market and price conditions and to protect their joint interests in the export trade. The principal spokesman for this policy of combination was the famous Carl Duisberg, one of the founders of I.G. Farben, who at that time was the head of the large Bayer firm at Leverkusen. In 1904, Duisberg urged that the entire German chemical industry should be brought together in a cartel, stating that:

The now existing domination of the German chemical industry, especially the dye industry, over the rest of the world would then, in my opinion, be assured.

In 1904, Duisberg succeeded in laying the first foundation stones of the massive chemical empire, the "State within a State", which we now know as I. G. Farben. Duisberg's firm joined forces with the equally powerful Badische Anilin & Soda Fabrik, of Ludwigshafen, which was headed by the brilliant and resourceful Carl Bosch. In order to strengthen their position with respect to other German chemical firms, a fifty-year contract was concluded pursuant to which their two firms, and a third important Berlin chemical firm known as Agfa, pooled their net profits. At about the same time, three other important chemical concerns located in and near Frankfurt-am-Main, effected a close combination between 1904 and 1915, these two separate groups entered into mutual agreements regulating competition in various parts of the dyestuff and other chemical industries. These efforts constituted the first stage in the development of I. G. Farben and laid the groundwork for closer relations between the groups in the future. By virtue of agreements eliminating internal

competition and pooling experience and resources, the two groups immediately achieved a predominant position in the organic dyestuff and pharmaceutical and chemical industries of the world.

The first World War precipitated the carrying of this process of concentration to its logical conclusion. In 1916, the six companies of the two original groups came together with two additional chemical firms, one of which was directed by the father of the defendant Ter Meer. This enormous cartel was of eight firms was known as the Interessengemeinschaft der Deutschen Teerfarbenindustrie, meaning the "community of interests" of the German industry for the manufacture of tar-coal dyes. All the firms in the group, which became known simply as "I. G.", agreed to share their profits in fixed ratios. Although I. G. Farben did not become a legal corporate entity until 1925, for all practical purposes it became a unified industrial empire in 1916.

The complete domination of the German chemical industry by the I.G. was almost matched by the preeminence which it achieved abroad. The I.G.'s leading position in the world's chemical markets was achieved and maintained in part by the acknowledged ability and industry of the German chemists, and in part by ruthless competitive tactics. The story of Farben's foreign activities before and during the first World War, and of its strenuous efforts to maintain world leadership despite the British blockade, is fascinating and illuminating. The German submarine "Deutschland", on its two trips to the United States during the war, carried chiefly dye stuffs and dye ingredients. But we have no occasion at this time to rehearse these circumstances, other than to note that the revelations of the Alien Property Custodian in 1919 conclusively revealed the existence of a carefully directed

German policy directed to world domination of the organic chemical industry, which hampered the military resources of other nations and which enhanced those

of Germany.¹ It was abundantly shown that German chemical policy was designed to prevent the emergence of strong chemical industries in other countries.²

What is vitally important to understanding the sequence of events, is that during this period when the I. G. was developing and German chemical leadership was most apparent, the chemical industry became increasingly important for war purpose. Nitrates were an essential ingredient in the manufacture of explosives, and for many years the principal source of nitrates had been Chilean saltpetre. German explosives manufacturers had perceived, as early as the turn of the century, the danger that in a future war Germany might be cut off from the Chilean nitrate supply, and thus from the most important material for the manufacture of munitions. Research was begun, and in 1913, Fritz Haber discovered a method of deriving nitrogen from the air. Carl Bosch, using Haber's discovery, immediately developed an engineering process for the production of synthetic nitrates, and his firm (Badische) started the manufacture of explosives, utilizing these synthetic nitrates which enabled Germany to become independent of the Chilean supply. The critical importance of the Haber-Bosch nitrogen fixation process to the German military machine during the first World War can not be overstated. Carl Duisberg, in his memoirs, reveals, that:

..... the German gun-powder and explosives industry..... lacked the raw material vitally necessary for gun-powder and explosives; the saltpetre which was only to be obtained from abroad. The industry had thus to depend entirely on the resources of chemistry and agriculture. But even these supplies lasted only until the middle of 1915, then we had reached the very end; then we were finally lost. Then we, the German chemists, set to work and staked all we had on averting this premature collapse. In a race against the terrible machinery of war, Heber and Bosch succeeded in producing saltpetre synthetically.

1. Cf. The Riddle of the Rhine (1921), by Victor Lefebure, p. 183.

2. Report of U.S. Alien Property Custodian (1919), pp. 30-37.

The second note-worthy contribution of the German chemical industry to the science of warfare was, of course, poison gas. A prophetic book, written in 1921, contains an exhaustive and searching analysis of the almost overwhelming headstart and advantage enjoyed by the Germans in the use of this weapon during the first World War.¹ Chlorine, phosgene, and later mustard gas were developed by German chemists and produced in I. G. factories. The resultant shock to world opinion aroused, for the first time, some general public realization of the enormous strategic importance of the chemical industry. It was no accident that, in 1916, when General Ludendorff asked two out-standing leaders of German industry to "join his train" to discuss war production, the two men invited were Gustav Krupp von Bohlen and Carl Duisberg.² And President Wilson, in his message to the United States Congress in 1919, pointed out that:³

Among the industries to which special consideration should be given is that of the manufacture of dyestuffs and related chemicals. Our complete dependence upon German supplies before the war made the interruption of trade a cause of exceptional economic disturbance. The close relation between the manufacturer of dyestuffs, on the one hand, and of explosives and poisonous gases, on the other, moreover, has given the industry an exceptional significance and value. Although the United States will gladly and unhesitatingly join in the program of international disarmament, it will, nevertheless, be a policy of obvious prudence to make certain of the successful maintenance of many strong and well equipped chemical plants. The German chemical plants. The German chemical industry, with which we will be brought into competition, was and may well be again, a thoroughly knit monopoly capable of exercising a competition of a peculiarly insidious and dangerous kind.

Germany lost the first World War, but the I. G. emerged bigger and more powerful than ever within Germany. Now it had large new capital investments which the German government had financed during the war, and the I. G. leaders soon laid plans to re-enter the world market and re-

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1. The Riddle of the Rhine (1921), by Victor Lefebvre, Liaison Officer between Britain and the other Allies on chemical warfare and kindred questions.
 2. Ludendorff's Own Story, by Erich von Ludendorff, vol. I, p. 326.
 3. Message of the President of the United States, communicated to the two Houses of the Congress at the beginning of the first session of the 66th Congress, 1919, p. 8.

assert their leading positions in the chemical field. On the other hand, the necessities of war had brought about a rapid development of the chemical industries in England, the United States, and elsewhere, and I. G.'s overseas situation was certainly not as dominant as before the war. International competition was stiffening, and the German chemical lords decided to tighten their own ranks.

In 1925, an agreement was finally reached for a merger of all the eight firms which comprised the "Interessengemeinschaft". Carl Bosch's firm (Badische) changed its name to "I. G. Farbenindustrie Aktiengesellschaft", and moved its main offices to Frankfurt. As is set forth in Appendix B of the indictment, five other firms which had previously been members of the cartel merged with I. G. Farbenindustrie, and thereby created a massive single corporation. The two remaining members of the cartel were not formally merged at that time, but over 90% of the stock of each of them was owned by Farben. The Hand-Book of German Joint Stock Companies laconically but eloquently states that the eight original "parent" firms voluntarily renounced their individuality for the greater purpose of the future tasks of the German chemical industry.¹ Carl Duisberg was named chairman of the Aufsichtsrat of Farben, and Carl Bosch chairman of the Vorstand.

The year 1926 witnessed the cementing of a very close and special connection between Farben and the German explosives industry. The two principal manufacturers of explosives in Germany during the first World War were the well known firms of Dynamit-Nobel (known as DAG) and Koeln-Pottweil. They had had close relations with the Farben syndicate during the war, inasmuch as Carl Bosch's firm furnished the synthetic nitrates which were necessary to the manufacture of explosives. After the war, the explosives companies fell upon lean years, and Koeln-Pottweil sold its gunpowder plants to DAG.

In 1926, Farben and DAG entered into an agreement which bound

1. Article on I. G. Farben in the Handbuch der Deutschen Aktiengesellschaften, 1938 edition, vol. IV, p. 5266.

the explosives company to Farben body and soul. DAG retained its separate corporate character, but was subject to the direction of Farben, and Farben guaranteed dividends on the shares of DAG. The president of DAG was Paul Mueller, who was a brother-in-law of the defendant Schmitz, a member of the Aufsichtsrat of Farben, and a frequent attendant at meetings of important Farben management committees. The defendants Schmitz and Gajewski were on the Aufsichtsrat of DAG. From 1926 on, DAG was, in practical effect, a part of Farben's chemical empire, and by the time the Nazis came to power in 1933, Farben exercised a dominant role in ammunition and explosives production.

Thus arose the enormous and intricate industrial complex of I. G. Farben, the broad outlines of which are portrayed in the chart on the wall of the courtroom, which will be offered in evidence at a later date. It will be seen that the overall supervision and management of Farben was in the hands of two boards, known respectively as the Aufsichtsrat and the Vorstand. Below them the two principal groups were the Technical and Commercial Committees. Production was organized both functionally, in the three "Sparten", and geographically, in the five "Works Combines", shown below the Technical Committee. On the commercial side, the sales of various groups of products were directed principally by the four "Sales Combines". Coordination between technical and commercial matters was achieved, not only through the Vorstand, but at a lower level in the three "Mixed Committees". A number of other departments and committees, shown at the right of the chart, dealt with various specialties such as law and patents, intelligence and propaganda.

I will deal firstly with the Aufsichtsret and Vorstand.

Under German corporate law, all joint stock companies are governed by an Aufsichtsrat and a Vorstand. When I. G. Farbenindustrie Aktiengesellschaft was created in 1926, the Aufsichtsrat members and most of the Vorstand members of all the parent companies became members of the Aufsichtsrat and Vorstand respectively of Farben.

Generally speaking, the duty of the Aufsichtsrat is to supervise

the overall management of the company, whereas the day-to-day direction is in the hands of the Vorstand. The functions of the Farben Aufsichtsrat were, on the whole, rather perfunctory; it met three or four times a year to receive a report from the Vorstand, and on paper was responsible for selecting the members of the Vorstand. But the views of the Vorstand as to its own membership were generally followed by the Aufsichtsrat, and we know of no important case where the Aufsichtsrat opposed Vorstand policies or took much independent initiative.

Membership in the Aufsichtsrat, accordingly, became chiefly honorary, but individual members might, by virtue of their own stature and prestige, exercise great influence. The chairmanship of the Aufsichtsrat was always held by one of the great figures in the history of Farben. Carl Duisberg was chairman from the birth of Farben in 1926 until his death in 1935. He was succeeded by Carl Bosch, another towering personality and famous technician, who had been chairman of the Vorstand, and who remained as chairman of the Aufsichtsrat until his death in 1940.

From 1940 until the German collapse, the defendant Carl Krauch, who previously had been a leading member of the Vorstand, was chairman of the Aufsichtsrat. Krauch was closely associated with Goering in the Four-Year Plan, and in 1938 became the Reich General-plenipotentiary for Special Chemical Questions. Krauch symbolized close cooperation with the political leaders of the Third Reich, and his appointment emphasized the working intimacy between Farben and the government.

After the merger of 1926, the Farben Vorstand comprised about eighty members or deputy members. Since this number was far too large for efficient management, a working committee with about twenty-six members, was formed and in 1937, under a new joint stock company law, under which the size of the Vorstand was reduced to twenty-seven, most of the members were drawn from the working committee. The working committee was abolished.

Under the Farben by-laws, "the Vorstand conducts the business of the corporation". Meetings of the full Vorstand were called about once a month. It was further provided that "at these conferences, each Vorstand member shall make a report on the matters specified as requiring Vorstand approval. It is also the duty of each Vorstand member to call attention to matters, the knowledge of which is of importance to other Vorstand members, especially as it may facilitate the overall appraisal of the business. The various Vorstand members shall, as a rule, submit particularly important matters, which go beyond the framework of the ordinary business, to the full Vorstand for decision." Among the matters listed as going beyond the framework of ordinary business were: the erection or purchase of new manufacturing and selling facilities within Germany or abroad; selling or reduction of plants; acquisition or abandonment of participations in other industries; purchase and sale of patents, licenses and manufacturing secrets; and the conclusion and termination of cartel agreements, syndicates, and communities of interest. An individual Vorstand member was permitted to act on his own in concluding a matter without Vorstand approval if serious disadvantages would otherwise occur. However, at the next session of the Vorstand, the matter had to be reported for approval. Certain internal personnel matters were handled by a "Central Committee" of the Vorstand, shown just to the right, consisting of eight leading members.

All living persons who were members of the Farben Vorstand after 1937 are names in the indictment except one who retired in 1943 and whose health is very precarious. Of the twenty-four defendants indicted, all were members of the Vorstand except the four whose names conclude the list. The chairman of the Vorstand, from 1935 until the end of the war, was the defendant Schmitz.

As is shown by the chart, the Vorstand functioned through numerous committees, departments, and other agencies, and the Vorstand members held the leading positions in these subsidiary bodies. The

assignments of Vorstand members to these duties may be classified, in general, as "technical" or "commercial"; these designations are somewhat arbitrary and overlapping, but they were in use among the defendants and will serve as a rough guide.

The Technical Committee (commonly referred to as TEA) was composed of the technical leaders of Farben, including the principal plant managers and leading engineers. Under the by-laws, TEA had tremendously important functions; its field included all technical and scientific questions, and all appropriations for operating or expanding the business were examined in TEA before submission to the Vorstand. The defendant Ter Meer was chairman of TEA from 1932 until the German collapse, and eleven other defendants were TEA members for substantial periods of time. TEA had numerous subsidiary bodies, the most important of which

was the "Technical Commission" (TEKO), which was headed by the defendant Jachne. TEKO dealt with general engineering problems, and all capital expenditures for engineering purposes were passed upon by TEKO before they were reviewed by TEA.

Below the TEA, the technical organization was divided both geographically and functionally. After the merger in 1926, the various Farben plants were grouped geographically for the purpose of coordinated direction. This resulted in the formation of the five Works Combines, the very names of which illustrate their geographical basis. The Works Combine Upper Rhine, headed by the defendant Wurster, included the huge Badische plants in Ludwigshafen. The Works Combine Middle Rhine (later called Main Valley), of which the defendant Leutenschlaeger was Chief and Jachne Deputy Chief, comprised the plants in and near Frankfurt-am-Main. The defendant Kuehne headed the Works Combine Lower Rhine, situated in Leverkusen and other Ruhr industrial cities. The defendant Buergin was Chief of the Works Combine Central Germany, with its principal plant at Bitterfeld. In 1929, a fifth and smaller Combine was established, which was called "Works Combine Berlin" although its plants were very widely scattered.

The individual plants which comprised these combines were at the base of the organizational pyramid. The more important plants were managed or directly supervised by one or more Vorstand members. Thus we find Wurster and Ambros at Ludwigshafen, Leutenschlaeger and Jachne at Hoechst, Kuehne and Brueggemann at Leverkusen, Buergin at Bitterfeld, Hoerlein at Elberfeld, and Gajewski at Wolfen-Film.

At the end of 1929, Farben undertook a major re-organization on the technical side in order to effect economies and to achieve greater coordination in production management. Operations were divided into three functional groups according to the products manufactured and each of the three directing groups was called a Sparte, or Main Group.

Sparte I included nitrogen, methanol, gasoline, and other synthetic products and coal. The synthetic gasoline plant at Ludwigshafen

fuels, and coal. The enormous synthetic gasoline plant at Louna and the nitrogen plant at Oppau were the principal components of Sparte I, which was headed by the defendant Krauch until 1938, and thereafter by the defendant Schneider. Sparte II, by far the largest and most diverse, coordinated the production of dyestuffs, organic chemicals, pharmaceuticals, light metals, synthetic rubber, and a variety of other products. The defendant Ter Meer was its chief. Sparte III was much smaller, and was principally concerned with photographic materials, synthetic fibres and celophane. It was headed by the defendant Gajowski.

It is important to note one other Farben agency on the technical side of the chart. This is the Vermittlungsstelle W (Liaison Office Wehrmacht), which was established in 1935 as a coordinating agency between Farben and the German armed forces. The defendant Krauch was more or less its creator. At that time, Krauch was the head of Sparte I, and synthetic gasoline and nitrates were of special military importance. Later on, the other two Sparten participated in the operations of Vermittlungsstelle W, the purpose of which was, as Farben records of 1935 reveal: "the building up of a tight organization for armament within the I. G."

Turning to the commercial side, the majority of Farben products were sold through the four "Sales Combines" for dyestuffs, chemicals, pharmaceuticals, and photographic materials. Nitrates, synthetic fuels, and certain other bulk products were sold chiefly through syndicates and other marketing organizations. The defendant Schnitzler was in charge of the marketing of dyestuffs, and after 1943, also chemicals. The defendant Mann headed the combine for pharmaceuticals and the defendant Oster the sales arrangements for nitrogen. Coordination between marketing and production was achieved, as has already been pointed out, not only within the Vorstand but at a lower level in the three so-called "mixed committees." The defendant von Schnitzler headed the Dyestuffs Committee and, after 1943,

Chemicals also; the defendant Hoerlein was chief of the Pharmaceuticals Committee.

To match the Technical Committee and to insure coordination in all commercial matters, the Commercial Committee was activated in August 1937, and thereafter became one of the most important policy-forming groups within Farben. Both the commercial committee and technical committee usually met the day before Vorstand meetings, and their recommendations were laid before the Vorstand. The defendant Schnitzler was the chairman of the Commercial Committee, and six other defendants were regular members.

A corporation so far-flung as Farben, of course, needed various central administrative departments, such as for bookkeeping, insurance, and taxes. Only three of these warrant mention at this time. Most of the plants and combines of Farben had their own legal and patent departments, but their work was coordinated by two Vorstand committees, the Legal Committee and the Patent Commission. The defendant von Knorrich was the chairman of both.

Finally, a considerable number of agencies which came to be located in a particular sector of Berlin were loosely thrown together under the name "Berlin N W 7". The defendant Ilgner was in charge of most of these Berlin offices, and was particularly concerned with intelligence and propaganda activities, which were carried out under the Political-Economic Policy Department (commonly known as WEPO), and by an elaborate Economic Research Department known as VOEW. The defendants Gattineau and von der Heyde were important officials of WEPO.

Thus, each of the defendants was a key official in the organizational structure of Farben. The defendants Krauch and Schnitz headed the two governing bodies of the entire complex. Of the other Vorstand members, eleven, headed by Ter Meer, were primarily technical and production men; they were members of the Technical Committee, chiefs of the Sparten and Works Combines, and plant managers. Six others,

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led by defendant Schmitzler, were primarily commercial men and one, von Mhieriam, was chief counsel to the corporation.

Of the four defendants who were not members of the Vorstand, Gattimeau and von der Heyde were leading political agents of Farben. Kugler was a member of the Commercial Committee and in charge of dyestuffs sales in eastern Europe. Duerrfeld was the director and construction manager of the Farben plants at Auschwitz.

Before passing to the charges in the indictment, it will be worthwhile to pause for an overall look at Farben in the early thirties, just before the advent of the Third Reich. It was the largest chemical concern in the world -- participating directly or indirectly in about four hundred German companies and five hundred business enterprises abroad -- with the largest and most modern staff of scientists and technicians. According to the defendant von Schnitzler:

When one tries to compare the I.G. with the rest of the chemical industry of Europe, one should never forget that the parent houses of I.G., which constituted the merger in 1925, themselves were by far the biggest enterprises in the chemical domain in Germany....It has always been characteristic of the German chemical industry that there was one side this huge conglomeration of industrial power called I.G. and on the other hand, and extremely great number of small enterprises split over the whole country....It is not only that new inventions of outstanding importance were practically alone made by I.G. and that research work on a large scale was exclusively done by I.G., but that the real importance of I.G. in here capacity as a supplier of all basic products to the other chemical industries was even higher....Taken together with the overwhelming position I.G. had in the field of photographic products and the strong majority in nitrogen, one has to make the statement that chemistry in Germany and I.G. are to a great extent synonymous.

Farben's factories and technicians were one of the two great industrial resources of Germany, the other being the coal mines and steel plants of the Ruhr. It is no coincidence that Ludendorff consorted with Duisberg and Krupp von Bohlen, and the famous German diplomat Stresemann once rhetorically asked the defendant von Schnitzler: "What have I as a trump in my hands apart from you the I. G., and the coal people?" Carl Duisberg played a leading part in

the establishment of the nationwide organization of industrialists,
the Reichsverband der Deutschen Industrie, the chairmanship of this
organization was

usually held by Farben or Krupp officials. Relations between Farben and the Ruhr heavy industries were reasonably close; Farben owned coal mines and held stock interests in the big steel enterprises, and the defendant Schmitz sat on the Aufsichtsrat of the huge German steel combine, the Vereinigte Stahlwerke.

But the German iron lords never achieved the complete unity which the chemical leaders brought about through the Farben merger, and there can be little doubt that Farben was the most powerful single industrial combine in Germany and, indeed, in Europe. It produced all of Germany's magnesium, nickel, methanol, and synthetic rubber, and nearly all of its dyestuffs. It produced the bulk of Germany's nitrogen, synthetic gasoline, and numerous important chemicals. It produced half of Germany's pharmaceuticals and more than half of its photographic supplies. It dominated the German explosives industry. It enjoyed close relations with the German government long before Hitler came to power; the defendant Schmitz was a close associate of Chancellor Brüning, and another Farben director, Warmbold, became Minister of Economics.

In the laboratories of Farben, many amazing experiments were being carried to successful conclusions. New inventions and processes poured forth in a never-ending stream; most of them were of inestimable actual and potential value to mankind. And, long before Hitler achieved notoriety, Farben officials were wrestling with two problems, the successful solution of which would go far to make Germany economically self-sufficient, and independent of imports in time of war. One of these was the manufacture of synthetic rubber, which by 1932 had not yet advanced beyond the stage of promising experimental production.

But the other solved soon after the merger of 1926, through the famous Farben hydrogenation process by which Germany's coal could be transformed into oil, gasoline, and other synthetic fuels and lubricants. The tremendous significance of this discovery is eloquently reflected in a letter written at that time in 1926 by Frank Howard,

an official of the Standard Oil Company of New Jersey, to its president, Walter Teagle from which I quote:

Based upon my observations and discussion today, I think that this matter is the most important which has ever faced the company since the dissolution.

The Badische-the reference being to one of the Farben factories-can make high grade motor oil fuel from lignite and other low quality coal in amounts up to half the weight of the coal. This means absolutely the independence of Europe on the matter of gasoline supply. Straight price competition is all that is left.....

I shall not attempt to cover any details, but I think this will be evidence of my state of mind.

We do not stress these circumstances because any social or economic questions such as the limits, if any, which should be placed on the size of corporations, are in any way germane to this case. They are not. But the size of the Farben empire and the strategic importance of Farben techniques must be grasped in order to understand the significance of the events which took place during the period covered by the indictment. Farben was Germany's greatest single industrial resource. Countless other industries were entirely dependent on Farben products. Farben techniques held the key to many of the problems which the Wehrmacht wished to solve. The German economy could not have survived without Farben, and no German government could afford to sacrifice its cooperation, least of all a government intent on rebuilding Germany's military strength. In short, Farben techniques, and Farben leadership were vital necessities to Germany and the German government, and the defendants knew it. The defendants were not men who could be easily pushed around.

Least of all do we suggest that it is a crime to experiment and invent, whether the results are dyes or drugs or synthetic fuels. The capacity to create is man's most God-like attribute, and several of the defendants were eminently gifted. In the dock sits Heinrich Hoerlein, who discovered luminal and helped develop the sulfa drugs. Carl Lautenschlaeger also made valuable contributions to medical

science, and Krauch, Schniedor, Ambros, and Gajewski have many useful inventions to their credit. Farben chemists developed sulfanilamide, atabrin, aspirin, pyramidon, novocaine, and salvarsan. No doubt it gives the defendants little comfort now to reflect on the fact that numerous discoveries which spread Farben's fame were the work of Jewish scientists, such as Fritz Habor and Paul Ehrlich. But be that as it may, there is no reason to obscure the fact that humanity owes much to Farben chemists.

The defendants, indeed, were privileged to spend most of their lives in the wonderful world of synthesis and transmutation. One can only sorrow that these damaged souls were not content to remain the workers of beneficent miracles, but preferred to be the architects of catastrophe.

Mr. Dubois will continue with the statement, Your Honor.

MR. DuBOIS: COUNT ONE: FARBEN AND THE ESTABLISHMENT OF THE
THIRD REICH.

Before outlining the evidence with the prosecution will adduce in support of Count One of the indictment, it will be well to set at rest one or two questions which might otherwise give rise to misconceptions. At the outset, it must be made clear what these defendants are charged with.

Whether these defendants, individually or collectively, were Nazis or subscribed to all phases of Nazi ideology, is not the core of the issue here. It is a fact that practically all of them were members of the NSDAP, but that is not the burden of our proof. We are not trying them for that. It is quite possible that some of the Nazi doctrines were personally distasteful to some of these defendants as individuals. But the fact that some of them may not have been in complete sympathy with all aspects of the Nazi program does not relieve them of responsibility for their actions. Their membership in the Nazi party is one, but only one, circumstance among many others which must be taken into account in determining what these defendants did, and the knowledge and intentions which gave rise to the acts with which they are charged.

Likewise, it goes without saying that these men have not been indicted because they are "industrialists" or because they exercised great power and controlled great wealth. These things are not declared as crimes by the law under which this Tribunal renders judgment, and this Tribunal is not a forum for debate over the relative merits of different economic systems.

What these men are charged with under Count One of the indictment is set forth in Article II of Control Council Law No. 10, which prescribes, as crimes against peace:

Initiation of invasions of other countries and wars of aggression in violation of international laws and treaties, including but not limited to planning, preparation, initiation or waging a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing.

Furthermore, there is no occasion in this proceeding to re-submit the evidence and proofs concerning the invasions and wars of aggression of the Third Reich. Article X of Military Government Ordinance No. 7, under which this Tribunal is established, provides that:

The determinations of the International Military Tribunal in the judgment in case No. 1 that invasions, aggressive acts and aggressive wars, crimes, atrocities or inhuman acts were planned or occurred, shall be binding on the tribunals established hereunder and shall not be questioned except insofar as participation therein or knowledge thereof of any particular person may be concerned. Statements of the International Military Tribunal in the judgment in Case No. 1 shall constitute proof of the facts stated, in the absence of substantial new evidence to the contrary.

The starting point of this case under Count One, accordingly, is the established fact and considered judgment of the International Military Tribunal that Germany under the Third Reich did plan and carry out invasions and did plan and wage wars of aggression. The invasions and wars of aggression covered by the judgment of the International Military Tribunal are listed in paragraph 2 of the indictment. The only question at issue under Count One is the extent to which the defendants knew of or participated in the preparation for and initiation of invasions and aggressive wars which were planned and which did occur.

To establish guilt for the commission of crimes against peace, it is not, of course, necessary to show that the defendants gave the military order which launched an invasion, or personally fired the first shot. The necessary degree of connection with the crime to establish the guilt of the defendants is to be determined by paragraph 2 of Article II of Control Council Law No. 10, and in the light of recognized principles of criminal law. Paragraph 2 sets forth that an individual shall be found guilty of the crimes defined in Law 10 if he

was (a) a principal, or (b) an accessory, or if he (c) took a consenting part therein, or (d) was connected with plans and enterprises involving the commission of the crime, or (e) was a member of an organization or group connected with the commission of the crime. A further provision of this paragraph, applicable only with respect to crimes against peace, makes reference to the holding of high political, civil, or military positions in Germany, or of high positions in Germany, or of high positions in the financial, industrial, or economic life of Germany. This provision, we believe, is not intended to attach criminal guilt automatically to all holders of high positions, but means rather that legitimate and reasonable inferences are to be drawn from the fact that a defendant held such a position, and places upon him the burden of countering the inferences which might otherwise be drawn.

Nor, to sustain the charges under Count One, do we need to prove that the ultimate purpose and final objective of the defendants was to bring about a state of war. We doubt that war was the ultimate objective of anyone in the Third Reich; the objective was conquest. We do charge that the Third Reich had certain political objectives well known to these defendants, and that when they played their crucially important part in re-arming Germany, they knew that Germany would use her military strength in invasions or aggressive wars against her neighbors, if that was necessary in order to accomplish the aims of the Third Reich. Force was the chief instrument of its foreign policy. The fact that the defendants or other participants in these criminal acts may have hoped that their objectives could be achieved by the threat of force rather than by its ultimate application through war, is we submit more a defense for them than it would be for a burglar or robber to express regret that he found it necessary to murder his victim in order to secure possession of the loot.

The origins of the crimes with which the defendants are charged

may be traced back over many decades, but for present purposes their genesis is in 1932, when Hitler had established himself as a major political figure in Germany, but before his seizure of power and the advent of the Third Reich. Subsection A of Count One of the indictment charges that the defendants, together with other industrialists, played an important part in establishing the dictatorship of the Third Reich. We do not here charge that this, in itself, was a crime under Law No. 10, but it was the first important step in the commission of the crimes against peace with which the defendants are charged.

When we charge an alliance between the defendants and Hitler and the Nazi party, this does not mean that the two groups saw, in all respects, eye to eye. As is usually true, when two powerful groups collaborate, there were disagreements, as will appear from some of the evidence which will be offered. But the evidence will show that the main common aim of both groups was aggrandizement at the expense of other countries and the reaping of the spoils thereof, regardless of whether war might be necessary to accomplish this purpose and regardless of how much death, misery, and destruction might ensue. This common objective bound the two groups together, and without this collaboration, Hitler and his party followers would never have been able to seize and consolidate their power in Germany, and the Third Reich would never have dared to plunge the world into war.

In the July election of 1932 in Germany, the Nazi party polled about thirteen million votes out of thirty-six million cast. This was more than double the vote which the Nazis had received at the previous election in 1930, and the Nazi party's representation in the Reichstag rose from 137 to 230 seats, out of a total of 608. The position of Vice Chancellor was offered to Hitler, but he refused it.

At that time, the economic crisis had reached its climax; German industry was drastically affected, and some members of the Farben Vorstand favored abandoning the costly production of synthetic gasoline

at Leuna. The political situation under the von Papen government became increasingly unstable. Hitler's success in the election was impressive, and soon thereafter Farben took steps to establish contact with him.

Farben sent two emissaries, the defendants Gattineau and Buotofisch, to Munich to discuss with Hitler Farben's most pressing problem—the future of its synthetic gasoline program. Gattineau had had previous contacts with the Nazis, and was a suitable liaison man. He knew Hess personally and was Economic Consultant to Roehm, the Chief of Staff of the Storm Troopers.

Gattineau arranged the meeting through Hess and came with Buotofisch to find out whether Farben could look for support from the Nazis for governmental assistance, whether by way of higher protective tax or otherwise, which would warrant Farben continuing its costly production of synthetic gasoline. Hitler agreed that Farben's gasoline production should receive the necessary protection. The doubts within Farben immediately disappeared, and the synthetic gasoline program was carried on and expanded. In January 1933, even before Hitler was appointed Chancellor, Farben started to hire thousands of workers for its lignite mines and its Leuna Plant.

Why did Farben approach Hitler at that time to discuss matters of such importance? What did they know about him? Whether they knew more than what everyone else in Germany then knew is not important. It is enough that everyone in Germany knew about Hitler when Farben decided to do business with him. Hitler and his party had a program which they had never hesitated to proclaim from the housetops. That program had been announced in 1920 and remained unaltered until the dissolution of the party in 1945. It consisted of twenty-five points, including the following:

"Point 1. We demand the unification of all Germans in the Greater Germany, on the basis of the right of self-determination of peoples.

"Point 3. We demand land and territory for the sustenance of our people, and the colonization of our surplus population.

"Point 4. Only a member of the race can be a citizen. A member of the race can only be one who is of German blood, without consideration of creed. Consequently no Jew can be a member of the race.....

"Point 22. We demand abolition of the mercenary troops and formation of a national army."

The plain meaning and ultimate fruition of these points has been well summarized on the judgment of the International Military Tribunal which states:¹

"The demand for the unification of all Germans in the Greater Germany was to play a large part in the events preceding the seizure of Austria and Czechoslovakia; the abrogation of the Treaty of Versailles was to become a decisive motive in attempting to justify the policy of the German Government; the demand for land was to be the justification for the acquisition of "living space" at the expense of other nations; the expulsion of the Jews from membership of the race of German blood was to lead to the atrocities against the Jewish people; and the demand for a national army was to result in measures of rearmament on the largest possible scale, and ultimately to war."

Other Nazi publications, clearly foreshadowing ruthless dictatorship, declared that "Everything active has long lost faith in parliaments and majority rule. The rootless unracial idea of democratic parliamentarism is dying today and no longer finds followers who are ready to give their lives at the barricades for this form of constitution. No propaganda will be able to revive this corpse....." If anyone doubted that the party platform represented Hitler's personal views, ample confirmation was to be found in "Mein Kampf." These

1. Judgment of the International Military Tribunal, Trial of the Major War Criminal, Vol. I, p. 175.

These were the views of Hitler and his party, and this was the man and the program, widely publicized and well known to the defendants, at the time that Bueteffisch and Gattineau went to Munich to discuss Farben's synthetic gasoling program with Hitler.

The Nazi party suffered a setback, however, in the German election of November 1932. Hitler dropped some two million votes, and Nazi representation in the Reichstag fell from 230 to 196 seats. The election was a serious blow to Hitler's aspirations; shortly thereafter, Joseph Goebbels wrote in his diary:

"Deep depression is prevalent in the organization. Financial worries prevent any constructive work....In the evening, the Fuehrer was at our house. We could not get into the right spirit. We were all very discouraged, particularly in the face of the present danger that the entire party may collapse and all our work be in vain. We are now facing the decisive test."

But soon after this depressing entry, Hitler's fortunes rose abruptly and decisively. A petition signed by leading industrialists and financiers had been presented to President Hindenburg calling upon him to entrust the Chancellorship to Hitler. Early in January 1933, von Papen and Hitler met in conference at the home of the Cologne banker, Baron Kurt von Schroeder. Thereafter, von Papen conferred with President von Hindenburg, and on January 30, 1933, von Hindenburg appointed Adolf Hitler Chancellor of the Third Reich.

Thus the Third Reich was born, but the monstrous infant was not yet out of danger. The Nazi party's slender purse, which had worried Goebbels some weeks earlier, was a serious obstacle to success in the election which was scheduled for March 1933. But the financial problem was solved, and Hitler's power was assured. These defendants, through Farben, participated in furnishing the necessary funds and thereby assisted in consolidating Hitler's power. This took place just three weeks after Hitler had been appointed Chancellor.

On 20 February 1933, Goering invited about twenty leading German bankers and industrialists to his home to obtain financial support for the Nazis in the coming election. Farben was represented at this meeting by the defendant von Schnitzler, and others in attendance included Gustav Krupp von Bohlen and Dr. Hjalmer Schacht. Hitler appeared and delivered a long speech, at the conclusion of which this powerful assemblage subscribed to a fund of three million marks to be put at his disposal in the coming election. Krupp von Bohlen made notes summarizing Hitler's speech, and these notes will be offered in evidence. Inasmuch as Hitler's speech, and these notes will be offered in evidence. Inasmuch as Hitler's speech is compelling evidence of the nature of the man and the program which the industrialists determined to support, substantial portions of it merit quotation. Hitler said in part:

"Private enterprise cannot be maintained in the age of democracy; it is conceivable only if the people have a sound idea of authority and personality. Everything positive, good and valuable, which has been achieved in the world in the field of economics and culture, is solely attributed to personality. When, however, the defense of the existing order, its political administration, is left to a majority, it will irretrievably go under. All the worldly goods which we possess, we owe to the struggle of the chosen.....

"It is not by chance that one person accomplishes more than the other. The principle of private ownership which was slowly gone into general conception of justice and has become a complicated process of economic life, is rooted in this fact. The course which we have to take is clearly indicated. It is, however, not enough to say we do not want communism in our economy. If we continue on our old political course, then we shall perish. We have fully experienced in the past years that economics and politics cannot be separated. The political conduct of the struggle is the primary decisive factor. Therefore, politically clear conditions must be reached.....It is therefore, the

noblest task of the leader to find ideals that are stronger than the factors that pull the people together. I recognized even while in the hospital that one had to search for new ideas conducive to reconstruction. I found them in nationalism, in the value of personality, and in the the denial of reconciliation between nations....Of course, nothing is being accomplished by simple denial of such thought, one has to offer new thoughts. If one rejects pacifism, one must put a new idea in its place immediately. Everything must be pushed aside, everything replaced by something better....We must not forget that all the benefits of culture must be introduced more or less with an iron fist just as one time the farmer was forced to plant potatoes...."

Still from Krupp von Bohlen's notes:

"Now we stand before the last election. Regardless of the outcome, there will be no retreat even if the coming election does not bring about decision. One way or another. If the election does not decide, the decision must be brought about by other means. I have intervened in order to give the people once more the chance to decide their fate by themselves,.... The necessity to make sacrifices has never been greater than now. For business, I have the one wish that it go parallel with the internal structure to meet a calm future. The restoration of the Wehrmacht will not be decided at Geneva but in Germany, when we have gained internal strength through internal peace....There are only two possibilities, either to crowd back the opponent on constitutional grounds, and for this purpose once more this election, or a struggle will be conducted with other weapons, which may demand greater sacrifices. I would like to see them avoided. I hope the German people thus recognize the greatness of the hour. It shall decide over the next ten or probably one hundred years. It will become a turning point in German history to which I pledge myself with glowing energy.

THE PRESIDENT: I wonder, Counsel, if this would not be a convenient place for our morning recess.

The Tribunal will rise for a few minutes.

(A recess was taken)

9

THE MARSHAL: Persons in the courtroom will be seated.

Tribunal is again in session.

THE PRESIDENT: Before we resume, may we inquire if it will be agreeable to run the session until about twelve-fifteen and then adjourn until one-thirty for lunch. Will that be satisfactory?

Counsel for the Prosecution may proceed.

M.R. DU BOIS: That was Hitler speaking, and that is what the defendant von Schnitzler heard Hitler say on 20 February 1933, less than two weeks before the March election. Goering followed Hitler with a request for financial support and concluded by saying: "The sacrifices asked for surely would be so much easier for industry to bear if it realized that the election of March 5 will surely be the last one for the next ten years--probably even for the next one hundred years." Schacht then said: "On this table we must raise a fund of three million marks."

Schnitzler went back and reported what he had heard to the other Farben officials. Farben contributed 400,000 marks for Hitler's campaign -- the largest single contribution by any of the firms represented at the meeting. The payment was made on 27 February 1933. The next day the Reichstag building was set on fire, and on that same day Hitler and his cabinet, utilizing the fire as a pretext, promulgated a decree suspending the constitutional guarantees of freedom. By this decree, certain sections of the German constitution were indefinitely suspended and, as the decree stated:

"....restrictions on personal liberty, on the right of free expression of opinion, including freedom of the press, on the right of assembly and the right of association, and violations of the privacy of postal, telegraphic, and telephonic communications, and warrants for house-searches, orders for confiscations as well as restrictions on property, are also permissible beyond the legal limits otherwise prescribed."

This was the first act of the man and the party after receiving the subsidy which Farben had so generously provided. The decisive election was held with the constitutional guarantees in a state of suspension one week later; the Nazi party received seventeen million

votes out of thirty-nine million cast, and 288 Reichstag seats out of a total of 647. Still lacking a majority, Hitler applied the "other methods" which he had threatened to use in the speech which von Schnitzler had heard on the 20th of February. Opposition members in the Reichstag were taken into "protective custody" and in their enforced absence the Reichstag on 24 March 1933 passed the Enabling Act which gave Hitler full legislative power, including the power to deviate from the constitution. Thus perished democracy and liberty in Germany; the Third Reich had come to stay for twelve long and terrible years.

Were the defendant shocked, disappointed, or even surprised at the swift and brutal course of dictatorship? In April 1933, Hermann Goering founded the Gestapo. In that same month, the Reich Association of German Industry, of which Carl Duisberg was a founder and Farben a member, submitted to Hitler a plan for the re-organization of German industry according to the "fuhrerprinzip" or "leadership principle". In transmitting the plan, Gustav Krupp von Bohlen stated that:

The turn of political events is in line with the wishes which I myself, and the board of directors, have cherished for a long time. In re-organizing the Reich Association of German Industry, I shall be guided by the aim of bringing the new organization into agreement with the political aims of the German government.

In July 1933, a law was passed declaring the NSDAP to be the only political party, and making it criminal to maintain or form any other political party. Three days earlier, representatives of the Du Pont Company of Delaware had met with Carl Bosch, then chairman of the Farben Vorstand, who told them that:

Just now it is a question of Fascism and Bolshevism, and industry must support the present government to prevent further chaos. In the beginning, Hitler did not consult industrial leaders, but in recent weeks he has shown his stability by curbing the more extreme elements of the party and bringing the industrial leaders into consultation with him.

What did Farben regard as "stability" and what was it that seemed to them preferable to "chaos"? During the remaining months of 1933, the grip of tyranny grew even tighter. The independence of the judiciary was fatally undermined, special political courts were established, and

the concentration camp made its appearance. Jews were eliminated from the civil service and otherwise persecuted, the trade unions were strangled, and the Hitler Youth was organized on military lines. Joseph Goebbels established the Ministry of Peoples' Enlightenment and propaganda to insure distortion and suppression of the truth. Within Goebbel's Ministry, Walther Funk established a "Publicity Board of the German Economy", on which the defendants von Schmitzler, Mann, and Gattineau were pleased to serve. Germany withdrew from the International Disarmament Conference and from the League of Nations. Germany's foreign policy was "ratified" by a so-called "election" in November, 1933. At this same "election", the defendant Schmitz, as a Nazi nominee, was elected to the Reichstag. As government turned into dictatorship and Germany set her feet on the road to war, Farben became ever more closely integrated with and vital to the Third Reich, which it had helped to create.

COUNT ONE: PLANNING AND PREPARING INVASIONS
AND WARS OF AGGRESSION

In approaching the defendants career of partnership with Hitler and the Wehrmacht during the years prior to the outbreak of the war, we may profitably remind ourselves that the preparation of a war against major powers is an undertaking of staggering magnitude. It cannot be done by one man or by any single group of men. It must be organized among all the leaders of a nation, and it calls for the most meticulous and deliberate planning all down the line. Mr. Justice Jackson set this forth with admirable clarity before the International Military Tribunal:¹

This war did not just happen. It was planned and prepared for over a long period of time and with no small skill and cunning. The world has perhaps never seen such a concentration and stimulation of energies of any people as that which enabled Germany twenty years after it was defeated, disarmed, and dismembered, to come

1. Vol. II, Trial of the Major War Criminals, pp. 104, 131.

so so near to carrying out its plan to dominate Europe. Whatever else may be said of those who were work in organization.... Financiers, economists, industrialists, joined in the plan, and promoted elaborate alterations in industry and finance to support an unprecedented concentration of resources and energies on the preparations for war....These preparations were of a magnitude which surpassed all need of defense, and every defendant, and every intelligent German, well understood them to be for aggressive purposes.

Farben's full scale collaboration in the program of the Third Reich was abundantly manifested immediately after Hitler's seizure of power. In outlining the evidence today, we will lay principal stress upon its participation in re-arming Germany for aggressive purposes, but it must not be thought that this was the only field in which Farben found common ground with the Nazis. Farben continued to give the NSDAP generous financial support, and carefully adapted its sales and publicity programs in accordance with Nazi ideas. If any doubts lingered in the minds of the defendants, they were not manifested by word or by deed. We will outline the proof of these charges chronologically.

1933.

The Tribunal will recall that, when Farben first established contact with Hitler through Gattineau and Suctefisch in 1932, Farben had

been chiefly concerned with securing Hitler's support for the continuation and expansion of its synthetic oil program. Hitler gave them satisfactory assurances, and soon after the seizure of power, in the spring of 1933, Hitler invited Carl Bosch, then chairman of the Farben Vorstand, to meet with him and discuss the details of the program which Bueteffish and Cattineau had outlined in 1932. The meeting was not without its bargaining aspects; Hitler was chiefly interested in quantity production, whereas Farben was anxious for government guarantees relating to prices and for the purchase of Farben's output. While the full details of this meeting are not known to the prosecution, it is clear that Farben received assurances which led them to develop a program for expansion of the Leuna plant.

Farben immediately proceeded to establish close relations with the German Air Ministry, in order to develop the aviation market for synthetic gasoline. In the spring of 1933, the defendant Krauch, at that time the head of Sparte I (the Sparte concerned with nitrogen and synthetic fuels), wrote to Erhardt Milch, the State Secretary and second in command of Hermann Goering's Air Ministry. Krauch outlined the basis for expansion of Farben's synthetic fuel facilities on the basis of a "four year plan". This concept of a four year plan was later adopted by Hitler and Goering for Germany as a whole, as will subsequently appear. Krauch's letter contained the following:

It will, of course, be easily possible to accelerate the speed of this expansion so as to reach the production target in a shorter time.... It is quite possible to more or less replace the contemplated increase in the production of crude oil and low temperature lignite tar, through the direct hydrogenation of lignite and bituminous coal. This would give us the advantage of enabling us to start from an assured raw material basis and of independence from by-products.....

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As far as hydrogenation is concerned, we have worked for quite some time on the production of suitable aviation gasoline. We can now state that according to the conditions of technical methods, it would easily be possible to produce aviation gasoline as well as lubricants suitable for airplanes by German production. At this time the Lufthansa is making extensive tests with our gasoline. If there are any points arising out of this matter requiring additional elucidation, I shall be glad to furnish them to you with further verbal information.

On the basis of the Krauch report, Milch called a special meeting at the Air Ministry with Lt. General von Bockelberg, Chief of Army Ordnance, and Lt. Colonel Thomas (who later became the chief of the Military Economy Staff), and reported to them on his conference with Krauch. The minutes of this meeting state:

Secretary of State Milch handed over to Lieutenant General von Vockelberg a memorandum of the I.G. (Dr. Krauch) concerning the expansion of the domestic basis of raw materials and proposed that both of their offices vigorously sponsor the project before the appropriate government agency. The appointment of a Commissar with authority to take necessary measures to carry the project into effect was considered necessary.

Three months later, in December 1933, Farben received a formal contract from the government for synthetic gasoline production. The contract was approved for the Government by Hitler personally. Farben undertook to enlarge its Leuna plants so that during the second half of 1934 a minimum production of 80,000 tons could be reached, and by 31 December 1937 a minimum production of 300,000 to 350,000 tons. For this the Reich guaranteed Farben for ten years - until 30 June 1944 - a price corresponding to the cost of production. The Reich pledged itself to take measures assuring the sale of the gasoline manufactured.

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With the synthetic gasoline program successfully launched, Farben turned its attention to synthetic rubber. Again the military authorities were called to the council table. In August, 1933, Farben wrote to the Army Ordnance Office reporting on the status of synthetic rubber experimentation. After detailing its work on rubber during the first World War and pointing out that research had been curtailed because of the financial risk, Farben's letter stated:

Of importance, furthermore, would seem to be certain indications that the new product surpasses natural rubber tires in non-skid properties. On these grounds the manufacture of synthetic rubber would seem to hold out some promise once again, so that the I.G. would be willing to resume their experiments on a large scale..... In order to avoid misunderstandings, it should be stated once more that it is impossible to manufacture synthetic rubber at a price approximating, however remotely, that of the present price of natural rubber, but that it is hoped to counter-balance higher costs by higher quality.

After several months and more conferences, the Reich Minister for Economic Affairs wrote to Farben:

I am very much interested indeed in the manufacture of synthetic rubber in view of the decrease in imports of raw materials from abroad, and, more generally, because of the opportunities it might offer for the provision of employment. I, therefore, appreciate it very much that your firm is prepared to restart the manufacture of synthetic rubber on a larger scale... I shall, moreover, approach the Reich departments concerned, as soon as the tires are available, so that they can be subjected to extensive practical tests. Should the tests produce favorable results, I shall gladly give further support to the matter by requiring government departments and public institutions to use synthetic tires provided prices are satisfactory.

Having secured these assurances, Farben intensified its experimental work with synthetic rubber, which came to fruition several years later. Far more than any other two things, Germany needed synthetic gasoline and synthetic rubber to enable it to fight a war under the economic pressure of enemy naval superiority. Accordingly, these were the two fields in which Farben's efforts were primarily concentrated. Less significant but more obviously warlike activities were not lacking. As early as March 1933, gas masks were issued to Farben employees, and training programs for defense against air raids and gas attacks were launched. Experimentation with smoke screens was begun in collaboration with the Reich War Ministry. The German Air Ministry, having noticed an article in a French technical periodical with respect to a new and highly lethal poison gas which Farben was said to have discovered, sent an inquiry to Farben, and the defendant Krauch dispatched one of Farben's leading scientists to Berlin "to give the required explanation."

On the political front, Farben supported Hitler and the Nazi party wholeheartedly and energetically throughout these months, when concentration camps were being established, and one tyrannical decree after another issued from Berlin. Farben made numerous financial contributions in 1933 to the party and its various organizations, and Carl Duisberg assured the Reich Association of German Industry that "on account of their absolutely positive attitude to the whole matter" Farben was "naturally prepared" to contribute to the Adolf Hitler fund, which Gustav Krupp von Bohlen had organized. In April 1933, Farben's plant leader at Leverkusen, the defendant Kuehne, exhorted all his employees to participate in the Day Day Rally, stating that "the main issue is that on this day of all, Germany should stand behind its government." In May still in 1933, a circular was issued to all Farben plants stating that the management would "welcome suitable representation of National Socialist aims within the National Socialist factory cell organization."

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In June, a Farben committee determined "that it should be a matter of course, when engaging new people, to give preference to members of semi-military organizations", with obvious reference to the SS, SA, and other Nazi uniformed gangs. In July, 1933, Carl Bosch was appointed by Hitler to a small and select economic council of government officials and prominent industrialists. Later that same month, the defendant Schmitz became chairman of one of Hitler's pet projects, called the "House for German Art", and, in soliciting funds for its construction he explained that:

The Reich Chancellor..... will be present at the laying of the foundation stone and will proclaim the cultural construction program in a manifest. For the construction of the building, six million Reichsmarks have to be raised. This task will not be easy. It may, however, be easier owing to the fact that it is the execution of a personal favorite idea of the Reichschancellor's. The "House of German Art" is, therefore, planned as a gift of the German people to the Reichschancellor.

Farben's viewpoint abroad paralleled its outlook at home. Hitler's brutal dictatorship, and in particular the anti-Semitic outrages of the Third Reich, caused public opinion to react violently in other countries, especially in the United States. Spontaneous boycotts of German goods injured German trade. Some of Farben's foreign agents endeavored to persuade the Vorstand to use its influence to soften the anti-Jewish policies, in the interests of Farben's export trade. But Farben was playing for bigger stakes, and its reaction to the American boycott was the launching of a vigorous and insidious propaganda campaign which would have done credit to Goebbels himself. They retained a well-known public relations expert, Ivy Lee, to devise methods for countering the boycott and organizing pro-German propaganda. Farben's pharmaceutical Sales

Combine, headed by the defendant Mann, had extensive connections in the United States, and at the end of 1933 it distributed a circular letter to its American representatives, which contained the following:

.....We are particularly desirous of describing to you in detail the actual conditions as they prevail under the new National Socialist Government in Germany; we wish to express the hope that this report will supply you with important data, enabling you to continue to assist us in our struggle for the German conception of law. We ask you expressly, in connection with your collaborations and your personnel, to make use of these data in a manner which appears appropriate to you, to the end that all co-workers in our pharmaceutical business become familiar with these general, economic, and political conceptions.

Within Germany, the Reichstag fire gave the signal for the fight against Communists and Marxists, who, in armed revolt were intent upon bringing Germany again to the brink of the abyss. The Government stepped in and cleaned the country with an iron hand. Peace and quiet was established.....

Achievement, not connection and party membership, was the means of securing office; order and honesty again became the guiding principles in German public life."

1934

In January 1934, Hitler signed a mutual non-aggression pact with Poland. Later that year, Hjalmar Schacht submitted a report to Hitler which began with these words:

With the foundation of the Reich Defense Council and of its permanent committee, the Reich Ministry of Economics

has been charged with the job of economic preparation for war. The tremendous importance of this task really ought not to require any further explanation. The terrible consequences of the lack of any economic war preparations in the World War are still vividly remembered.

Schacht went on to list a number of "urgent difficulties" and to explain what steps had been taken to overcome them. He explained that the plants which manufactured highly concentrated nitric acid, a prerequisite for the production of ammunition, were concentrated all along the Rhine near the western border of Germany. He thought it imperative to set up another large plant in the safer zone of central Germany. The construction of such a plant had been commenced at Doeberitz, and was to be finished by next spring. The Doeberitz plant was a secret plant, financed by the Reich, but it was built by Farben and operated by Farben.

Schacht expressed similar worries with respect to ferrous alloys necessary for the production of high grade steel. Again, Farben had been only too obliging; part of its facilities for the production of ferrous wolfram, which Schacht described as being "exclusively located in the danger zone" near Aachen, were transferred to central Germany.

Schacht then discussed the light metals situation. This problem

was met in part by Farben's construction of a large plant in central Germany for the manufacture of magnesium and aluminum. It was built by Farben in close collaboration with the German Air Force, which carefully examined the site from the standpoint of security against air raids, and also absorbed the entire production.

Schacht was also concerned in the year 1934 about the lack of sufficient stocks of essential chemicals and critical war materials:

In view of the uncertain duration of a war, these stocks have to be saved most carefully right from the beginning. Pyrites are the basic raw material of sulphuric acid, which is an indispensable chemical intermediate product. In Germany, it can only be produced in the danger zone. The I.G. Farbenindustrie A.G. has been asked to complete the stockpile of an additional amount of pyrites during this winter. Furthermore, the conversion of a large plant of this concern to the production of sulphuric acid from gypsum is going to bring considerable relief in this respect.

In 1934, Farben participated in this stock-piling program. Not only were pyrites stocked at the Wehrmacht's request, but also huge amounts of stabilizers for explosives, and other chemicals. At one plant, the entire output of magnesium was stored in incendiary bomb tubes which were packed in ordinary boxes and labeled "textile cases" for the purposes of camouflage.

Schacht was also worried about stocks of motor fuels, and wanted to build and fill large underground storage tanks which would be immune from air raids. But in this field Farben was chiefly interested in synthetic production which

would make Germany independent, once and for all, of imports. In 1934 a government-sponsored corporation known as Brabag (the letters stood for Brown Coal and Benzin A.G.) was established to derive synthetic gasoline from brown coal by means of the Farben Hydrogenation process. The technical head of Brabag was the defendant Buetefisch.

In 1934, Schacht was also making detailed plans for industrial mobilization, and established a series of "economic groups" to make plans in conjunction with the German army. Above these groups was the Reichsgruppe Industrie (Reich Group Industry), in which the defendants Schmitz, von Schnitzler, and Jaehne were very active. Farben was also well represented in the underlying committees for particular industries, and in the Economic Group Chemical Industry, the defendants von Schnitzler, Ter Meer, Wurster, Oster, and Amoros all played important parts.

Plans for the protection of Farben Plants against air raids continued to be made, and were tried out in training, with the utmost energy and seriousness. All Farben plants engaged in maneuvers which were called "war games." On the map of a particular plant, an umpire would mark various points where bombs of a certain weight were assumed to have fallen. The works management devised plans for the speedy repair of the damage, and made estimates as to the length of time that various parts of the plant would be out of operation. For greater protection, for example at the Leuna plant, production was organized in independent units, so that it could continue despite bomb damage to individual units. High ranking officers of the Wehrmacht attended these games and consulted with the Farben officials. These precautions, it might be added, paid good dividends during the recent war, at the conclusion of which only 13% of Farben's productive

capacity had been eliminated by bombing.

Farben's devotion to the Nazi party and the Third Reich continued to be ironclad. The Farben directors at Leverkusen distributed Hitler's speeches and other propaganda to thousands of foreign distributors. They withdrew their advertising from foreign newspapers that published articles critical of the Nazis. Farben agencies in Chile and Argentina supported financially and otherwise, the establishment of local chapters of the Nazi party and the dissemination of propaganda through German chambers of commerce.

1935

In 1935, the Nazi pace quickened, and the Third Reich took the first open steps in violation of the Treaty of Versailles. In March, Goering publicly announced that Germany was building a military air force. Later that month, compulsory military service was instituted and the German army was established with a peacetime strength of 500,000 men. In May, on the same day that Hitler renounced the disarmament clauses of the Versailles Treaty, paying lip service to the territorial limitations of that treaty and to the Locarno Pacts, the Secret Reich Defense Law was passed, defining the powers and duties of the Reichschancellor and the other ministers in case Germany should become involved in war. As the International Military Tribunal found "It is clear from this law that by May of 1935, Hitler and his government had arrived at the stage in the carrying out of their policies when it was necessary for them to have in existence the requisite machinery for the administration and government of Germany in the event of their policy leading to war." Intransigence abroad was accompanied by a tightening of the vise of dictatorship at home. September 1935 was the month of the infamous Nurnberg laws.

Farben's concentration on armament matters was correspondingly intensified. The activities of the defendants - their purchases, sales, production, expansion, and research - fell so exclusively in the military domain that the Vorstand established in Berlin a Farben military liaison agency, the Vermittlungsstelle W. In September, the defendant Krauch sent a confidential letter to all Plant Directors explaining this new agency:

The Central Committee of the Vorstand has determined to create an Agency (W) in our place of business in Berlin NW 7, Unter den Linden 78, in order to provide systematic cooperation within the I.G. in the current development of military economy, and particularly to assure central treatment of all questions of military economy, military policy and military technique..... From now on, all correspondence - even about matters still in the balance - with the Reich Ministry of War, the Navy Office..., the Reich Air Ministry..., and, for military economic questions, with the Reich Ministry for Economy also, is to be addressed exclusively to the Vermittlungstelle.....

The liaison agency is ready to give any information about and make arrangements in connection with military economic and military policy questions, which are part of its sphere of work....

With the establishment of the Vermittlungsstelle W, Farben synchronized all its activities with the military plans of the German High Command. The extent to which the defendants committed their entire organization to military purposes is set forth in a report prepared by the defendant Krauch in December 1935. The report states, in part:

With the creation of the army, German industry was

given the task of bringing its plants and its organization in line with building up the defenses of the country, which meant to reorganize its existing plants and offices from the point of view of armament.

The newly founded Vermittlungsstelle W has as its task the simplifying and coordinating of these matters inside the I.G. The aim of this work is the building up of a tight organization for armament in the I.G....

In case of war, I.G. will be treated by the authorities concerned with armament questions as one big plant which in its task for armament, as far as it is possible to do so from the technical point of view, will regulate itself without any organizational influence from outside.....

To the field of the work of Vermittlungsstelle W belongs, besides the organizational set-up and long-range planning, continuous collaboration with regard to armament and technical questions between the authorities of the Reich and the plants of the I.G.

The continual and detailed joint planning between Farben and the Wehrmacht which precipitated the establishment of Vermittlungsstelle are exemplified in the "strictly confidential" minutes of a conference held at Farben plant in 1935 with officials of the Army Ordnance office the the Reich Air Ministry. The army was interested in the use of methanol for automobile motors, and the Luftwaffe in the synthetic production of Iso-octane. The use of synthetic lubricating oil for airplane engines was then discussed in the light of the high cost of its production. The conferees noted:

Rejection of these processes due to the fact that

they are uneconomical cannot be a primary consideration for the purpose of the Reich Air Ministry, if production of the extremely high quality materials for a limited sphere of utilization can be achieved with their help.

The strategic nature of this developmental work is illustrated by another extract:

The I.G. is bound by contract to an extensive exchange of experience with Standard Oil. This position seems untenable as far as developmental work which is being carried out for the Reich Air Ministry is concerned. Therefore, the Reich Air Ministry will soon conduct an extensive examination of applications for patents of I.G. Furthermore, the I.G. will suggest the necessary security measures to the Reich Air Ministry under special consideration of the situation.

In 1935, Farben's work with synthetic rubber was reaching the point of practical application and strategic significance. In January, representatives of the Army Ordnance office visited Farben's Leverkusen plant to determine whether to concentrate on the synthetic program or on the stockpiling of natural rubber. The army representatives indicated that: "The production of synthetic rubber is no longer a question of foreign exchange, but has become a question of military policy.... The requirements of the Wehrmacht will... be decisive." It was decided that additional tests would be made, and that during the summer Hitler would be shown articles made of synthetic rubber.

The report on this conference in January notes that the peacetime requirements of the German army were "150 to 250 tons per month." But in September, Farben committed

itself to the construction of a factory with a capacity of 1,000 tons per month. This occurred as the result of a conference between the defendant Ter Meer and Wilhelm Keppler, Hitler's personal economic advisor. Ter Meer's report on this meeting states in part:

Keppler considers the immediate construction a large installation necessary. Through the fast progress in motorizing the Army, it will be necessary to deal with the problem of synthetic rubber most emphatically.

This was a demand made by the Fuehrer, as well as by the military authorities, von Blomberg and Leise....

After a long discussion the following procedure is intended:

- (1) The I.G. erects a factory, probably at Plesteritz, with capacity of 200 to 250 tons of rubber per month and planned for an expansion to 1,000 tons per month.
- (2) The installation must be made as fast as possible. The stated time of erection of one year given without obligation will be shortened if possible....
- (4) Keppler engages himself to negotiate with the military authorities and to obtain a guarantee for disposal for several years at a fixed price.....
- (6) The construction is to be started immediately, as soon as the anticipated disposal guarantees from the military authorities are available.

Subsequently, Keppler discussed this matter with Hitler, and then with the Reich Finance Minister, in order to obtain for Farben the necessary security to justify construction of the factory, which in fact was built the following year. Keppler's letter to Ter Meer's deputy, written

after his conferences with Hitler and the Finance Minister,
included the following:

As you know, the Fuehrer is greatly interested in speeding up the construction of the installation as much as possible. I, therefore, ask you to carry on with your planning work as before and to start building as soon as an agreement between us concerning the main questions is reached. This is also in accordance with the suggestion of your Dr. Ter Moor, in any case.

The year 1935 also witnessed the development of very close relations between Farben, through Carl Bosch and the defendant Krauch, and Hermann Goering, through General Erhardt Milch and other high officials of the Reich Air Ministry. Milch and a party of his subordinates visited the Farben plants on the upper Rhine in July 1935, and upon his return to Berlin, wrote to Krauch, in part as follows:

.....I would like to thank you specially for the friendly reception you gave us at Oppau. All participants were deeply impressed by the informative talks and demonstrations given there. I, myself, have immediately informed General Goering, who is also particularly interested in questions of this nature. As soon as he has finished his summer vacation, he plans to ask you to come for a leisurely visit to Karinhall in order that he, too, can discuss with you the long-range viewpoints.

Krauch acknowledged this letter equally cordially, expressing pleasure that Milch's visit had furnished the "opportunity to discuss all questions pertaining to German aviation." A few months later, Carl Bosch and Krauch, with other Farben officials, returned the visit as Milch's guest at the Air Ministry. The Farben thank-you note for this occasion stated that Bosch had made a report to the Central Committee of the Farben Vorstand in which he "emphasized how strongly the many new things which we were privileged to see on our visit to you impressed him." The more significant results of these state visits and politenesses were manifested the following year.

MR. SPRECHER: May it please the Tribunal, D. 1936

Wisdom after the event is a far more common human attribute than true foresight. In the retrospect of 1947, and with the information contained in these and other documents, it seems that any intelligent men should have realized, from the very moment of Hitler's seizure of power, that the Third Reich was headed inevitably toward war. And certainly there were many who did foresee and who did give warnings. But, making every allowance for human credulity and indifference, and for the natural if lazy optimism which always prompts the hope that things will turn out all right somehow, the conclusion is inescapable that, long before the attack on Poland and well in advance of the Austrian and Czechoslovakian invasions, all highly placed officials of the Third Reich, and influential men who did business with them and had access to official information and opinion, must have known that war was bound to come, if they did not know just when or how it would first break out. And there is much evidence to suggest that the latest year in which such a conclusion must have forced itself upon the minds of such men is the year 1936.

In March 1936, the Third Reich put its small but burgeoning military strength to practical use for the first time, when German troops occupied the demilitarized zone of the Rhineland. This did not change the territorial boundaries of the Reich, but it altered the military situation very fundamentally, and it was the first time since 1918 that German troops, on German initiative, had marched to settle an international political issue by force.

But other events, less sensationally described in the newspaper, were probably of much deeper significance. Hjalmar Schacht, as Minister of Economics and Plenipotentiary General for War Economy, had been the leading figure in organizing the German economy for war. Many documents testify to the energy and determination with which Schacht had carried out this task. But, as the International Military Tribunal found:¹

1. Judgment of the International Military Tribunal, Vol. I,
Trial of the Major War Criminals, pp. 307-08.

Schacht, by April 1936, began to lose his influence as the central figure in the German rearmament effort when Goering was appointed Coordinator for Raw Materials and Foreign Exchange. Goering advocated a greatly expanded program for the production of synthetic raw materials which was opposed by Schacht on the ground that the resulting financial strain might involve inflation. The influence of Schacht suffered further when, on 16 October 1936, Goering was appointed Plenipotentiary for the Four Year Plan with the task of putting "the entire economy in a state of readiness for war" within four years. Schacht had opposed the announcement of this plan and the appointment of Goering to head it, and it is clear that Hitler's action represented a decision that Schacht's economic policies were too conservative for the drastic rearmament policy which Hitler wanted to put into effect.

After Goering's appointment, Schacht and Goering promptly became embroiled in a series of disputes...As a result of this dispute and of a bitter argument in which Hitler accused Schacht of upsetting his plans by his financial methods, Schacht went on leave of absence from the Ministry of Economics on 5 September 1937, and resigned as Minister of Economics and as Plenipotentiary General for War Economy on 16 November 1937.

The importance of the issues involved in this clash between Goering and Schacht can hardly be overstated. The International Military Tribunal found that:¹

Schacht, as early as 1936, began to advocate a limitation of the rearmament program for financial reasons. Had the policies advocated by him been put into effect, Germany would not have been prepared for a general European war.

As between Goering and Schacht, and on the issues at stake between them, there was no question where Farben stood. Despite Schacht's

1. Judgment of the International Military Tribunal, Vol. 1, Trial of the Major War Criminals, p. 309.

position as Plenipotentiary General for War Economy, the contacts between Farben and Schacht had been conspicuously few. On the other hand, Farben's relationships with Goering's Air Ministry and with his Deputy, Milch, began immediately after the seizure of power, and steadily grew closer. For years Farben had been staking its future on synthetic products, particularly gasoline and rubber, and Goering, ebullient, optimistic, and extravagant, was the great protagonist of "a greatly expanded armament program for the production of synthetic raw materials which was opposed by Schacht."²

It is no coincidence that Farben's contract of 1933 for synthetic gasoline was arranged through the Air Ministry after discussions with Milch. It was no coincidence that, when the same problem presented itself in the case of synthetic rubber in 1935, Farben did not go to Schacht who, whatever his faults, was no fool, and whose shrewdness was acknowledged among industrialists and financiers not only in Germany but internationally. Indeed, they did go to Keppler, a fly-by-night Nazi economist with little practical experience, who had Hitler's ear at the time, but who soon drifted off into shady diplomatic maneuverings. And, finally, it was no coincidence that the negotiations for the synthetic rubber contract in 1935 were contemporaneous with the exchange of visits between Farben and the Air Ministry upon which Goering, through Milch, expressed himself so benevolently.

In his new capacity as Coordinator for Raw Materials and Foreign Exchange, Goering called a meeting, on 26 May 1936, of his principal advisors on raw materials questions. The defendant Schmitz attended this meeting, together with representatives of the Ministries of War and Air, and other high government officials. Supply questions vital to "A-Plan" (the code name for "Case of War") were discussed. Goering emphasized that, once at war, Germany would be cut off from all oil imports; that since a mechanized army and navy were dependent upon oil,

2. *Id.*, p. 307

the waging of war hinged entirely on the solution of the oil problem. Goering also declared that "rubber is our weakest point." Every subject, including oil and rubber, was discussed at the meeting in the light of military requirements for waging war.

On 8 September 1936, at the Nazi Party rally in Nurnberg, Hitler announced the establishment of the Four Year Plan and the appointment of Goering as the Plenipotentiary in charge, with the task of putting "the entire economy in a state of readiness for war" in four years.¹ The Office of the Four Year Plan was charged with working out complete programs for the development of plant capacity in all fields vital to war mobilization, including chemicals, rubber, gasoline, and explosives. In a memorandum to Goering explaining the objectives of the Four Year Plan, Hitler stated that the final solution of Germany's problem lay in the acquisition of new territories; that such acquisition was the task of "the political leadership"; and in order for "the political leadership" to exercise its responsibilities, the German economy had to be mobilized for the purpose of making Germany self-sufficient in critical war materials.

It was the voice of Hitler but the task of Farben. For the first six months period, from October 1936 to May 1937, the projects of the Four Year Plan envisaged investments of nearly one billion Reichsmarks, chiefly in power, mineral oils, iron and other metals, textiles, chemicals, and explosives.² Approximately two-thirds of this entire amount was to be used for I.G. Farbenindustrie products. From these figures, it is easy to see how large a stake Farben had in the Four Year Plan, which Goering, over Schacht's objections, persuaded Hitler to adopt. It is equally easy to see how completely dependent Hitler and Goering were on Farben in the accomplishment of the Four Year Plan.

1. Judgment of the International Military Tribunal, Vol. 1, Trial of the Major War Criminals, p. 308.

2. "Projects of General Planning", published by the Office for German Raw Materials and Synthetics, dated 27 May 1937.

Shortly after the establishment of the Office of the Four Year Plan, and with full realization of the nature and purposes of that Office, as is apparent from the foregoing speeches and meetings, Carl Bosch recommended to Goering that he retain the defendant Krauch to advise in the planning and control of the chemical sector of the rearmament program. Krauch was appointed Chief of the Department for Research and Development in the Office of the Four Year Plan, the department responsible for making Germany self-sufficient for war.

Truly, there was no longer any doubt; Germany was heading for war at express train speed. In December 1936, in Hitler's presence, Goering made a speech in the Preussenhof in Berlin in which he explained to a large audience of government officials and industrialists the aims of the Four Year Plan. Bosch and the defendants Krauch and von Schnitzler were present. Goering made clear the intention and decision of the Nazi government to wage war: "The battle which we are approaching demands a colossal measure of productive ability. No limit on the rearmament can be visualized. The only alternative in this case is victory or destruction. If we win, business will be sufficiently compensated." He ended his speech as follows: "Our whole nation is at stake. We live in a time when the final battle is in sight. We are already on the threshold of mobilization and we are already at war. All that is lacking is the actual shooting. A few days later, von Schnitzler made a confidential report to the responsibilities of the German economy in the application of the Four Year Plan."

THE PRESIDENT: I think it is a convenient time to take a recess right now.

The Tribunal will now rise until 1:30.

(A recess was taken until 1330 hours.)

AFTERNOON SESSION

(The Tribunal reconvened at 1330 hours, 27 August 1947)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: The Prosecution may proceed with its statement.

MR. SPEECHER: May it please the Tribunal, at the recess we were discussing developments in the year 1936.

Symbolically enough, Farben's first plant for the large scale production of synthetic rubber was built in 1936 at Schkopau. The annual capacity was seventy thousand tons, and the total investment over four hundred million marks.

Security requirements, already stringent, were drawn even tighter. Farben plant managers had to obtain prior approval for all visits by foreigners wishing to inspect anything pertaining to "armament manufacture." How clearly these security requirements foreshadowed war is illustrated by a directive issued by Vermittlungsstelle W in December 1936, relating to war materials, explosives, chemical warfare material, fuels and lubricants of special types, and other strategic products.

The directive stated:

"For new process in the fields mentioned, secrecy is a requirement in every case where, by this new process, completely new materials heretofore unknown are being produced or if materials already known can be produced in an essentially improved quality. Furthermore, secrecy may be mandatory for a new process if the strength in terms of economic self-sufficiency in the event of case "A" (Case of War) will be appreciably increased thereby for a potential opponent, for instance, if in the respective country the shortage of raw materials needed for the production of a war-essential product would be removed by the new process.

Farben's outposts abroad became increasingly a network for propaganda and espionage. In 1936, the defendant Algor made an extended tour of inspection of the Farben organizations in Latin America, and re-organized the work of Farben's Verbindungsstellen (information men). From then on, they were to submit monthly reports pertaining to economic, political and military matters. All reports and interesting information received from abroad were given to the Wehrwirtschaftsstab (Military Economics Staff), the OKW/Abwehr (Intelligence Division of the Wehrmacht),

and the Auslands Organization (the foreign branch of the NSDAP). These reports included political commentaries covering the composition of new governments, the effects of the Proclaimed List and the British Black List, political reactions within the respective countries to current events, pro-Axis and anti-Axis propaganda, the purpose of special diplomatic missions, and changes with respect to diplomatic representatives. Matters of military interest contained in these reports included additions to the merchant navies in various Latin American countries, reporting of ship movements, statistics of tonnage in ports, construction of new highways and bridges, and shipments of war materials to the United States and Great Britain.

1936 was indeed a fateful year. According to the defendant von Schnitzler:

"....with the increased tempo after 1936, the Wehrmacht became the predominant factor in the whole picture. After 1934, a strong movement for investments in our plants for commodities of decisive military importance became more and more pronounced with the main objective of increasing the military potential of Germany. At first autarchic principles to make Germany independent of importation from abroad were one of the leading objectives. After 1936, the movement took on an entirely military character and military reasons stood in the foreground. Hand-in-hand with this, the relations between I.G. and the Wehrmacht became more and more intimate and a continuous union between I.G. officials on the one side and the Wehrmacht representatives on the other side was the consequence of it."

The year 1937

For German industry, 1937 was the year of mobilization plans. The Vermittlungsstelle W was the channel between Farben and the Ministries of War and Economics for the preparation of mobilization plans at Farben plants. For example, the defendant Kuchne conducted so-called "tactical exercises" at his Leverkusen plant, following which the Vermittlungsstelle W wrote him:

"In connection with the tactical exercises, we had already discussed with you the formulation of plans for Leverkusen which are being commenced. In preparation for this, we should very much like to receive a list in which the individual departments of Leverkusen are listed and clearly designated. This list should differentiate between the following three sections:

- (1) Plants which must be on a full production basis in A-Fall.
(Case for War.)
- (2) Plants (intermediates and final processing) which will
only operate on a limited scale.
- (3) Plants for which it can already be determined that they
will not run during the war."

The Vermittlungsstelle W continued throughout the year to coordinate the plans for conversion of the various plants to a war economy. These plans covered such questions as which processes and products, useful only in peacetime, could be dispensed with under the stress of war, which would have to be rapidly expanded, and how to meet the problems presented by drafting employees into military service. By the middle of the year, the majority of the Farben plants had been fully advised by the Vermittlungsstelle W as to the nature and aims of the mobilization tasks to be carried out. Arrangements were under way to furnish the plants with the necessary personnel and materials to carry out the mobilization plans.

The mobilization of the German economy was symbolized by a ritual which gave the principal German industrialists semi-military status, though they wore no uniform. In March, various high ranking Farben officials were informed by letter that the Reichsminister for War and Commander-in-Chief of the Armed Forces (von Blomberg) had ordered that:

"...a leadership corps for military economy be set up immediately. The war economy leaders shall be responsible collaborators of the Wehrmacht in preparing and carrying out the mobilization of the armament industry and in the conduct of war. Their significance, their tasks, and duties in connection with armament economy, places them in a position corresponding approximately to that of reserve officers on active duty."

The authority and functions of the "war economy leaders" (Wehrwirtschaftsfuehrer) were described by General Warlimont, of the Military Economics Staff of the Wehrmacht, in part as follows:

"A. In Peace time:

1. to adjust, to the greatest possible extent, the armaments factories to eventual mobilization needs, especially to give assistance in the preparations to meet their Work Schedule;
2. to do the compulsory drill which would train and give them

experience in the duties provided for them when mobilization takes place;.....

5. to prepare for, and carry out, the necessary measures to protect the factory during an air raid and to train employees in their tasks during an air raid;
6. to prepare and administer security measures within the factory.

"B. In War Time:

1. to convert existing armament factories, and to organize new armament factories for wartime manufacture, in accordance with the mobilization schedule of the factory;
2. to manage the factory so as to safeguard the interests of National Defense;
3. to strengthen the War Economic offices and the staffs of the Wehrmacht (Armed Forces)."

The defendants Krauch and Schmitz were appointed War Economy Leaders in 1938, and subsequently von Schnitzler, Gajewski, Ter Meer, Ambros, Baergin, Bueteffisch, Ilgner, Jaehne, Lautenschlaeger, and Wurster were designated.

In 1937, Farben's activities in the munitions field were intensified. Farben's Bitterfeld plant was busy with the "technological development of the modern electron thermite incendiary bomb". The army was worried about "a great shortage in the glycerine supplies", and Farben constructed a secret "standby" plant for the production of diglycol at Wolfen. When another chemical firm made inquiries with respect to this secret plant, Farben replied that it "was originally planned merely as a standby plant in case of war" and that "we are bound to strictest secrecy and would need official approval" in order to discuss the matter with other chemical firms.

In September 1937, Farben's newly born Commercial Committee re-emphasized Farben's political outlook. The Committee agreed that:

"Under no circumstance should anybody be assigned to I.G. Farben agencies abroad who is not a member of the German Labor Front and whose positive attitude to the new era has not been established beyond any doubt. Gentlemen who are sent abroad should be made to realize that it is their special duty to represent National Socialist Germany. They are particularly

reminded that as soon as they arrived they are to contact the local or regional group of Germans abroad and are expected to attend regularly their meetings as well as those of the Labor Front."

In the summer of 1937, the defendant Krauch, with other high government officials, met in Goering's office to discuss the scarcity of iron and steel. Goering stated:

"At a time like this, we cannot export one-third of our total iron production.On a ton of semi-manufactured goods we sell abroad, we realize just about 100 marks in foreign exchange. On the other hand, if we take a ton of iron and use it up in construction plants of the Four Year Plan, then in most cases I have found the saving in foreign exchange to be four or five times, even six or ten times as great....The Four Year Plan will do its share to create a foundation upon which preparation for war may be accelerated....In the armed forces, those undertakings must receive first consideration which manufacture materials requiring a long period of construction. Warships by all means must get their supply of iron. Guns for battleships and other big guns fall in the same class.... We cannot give southeastern Europe any more semi-manufactured goods for their wheat....Without compelling economic or political reasons, I shall not export any more semi-manufactured goods.... The export (of iron and steel) may lead easily to the facilitation of the armament of the enemy. I am thinking for instance, of heavy plates which are needed abroad by the armament industry."

The response, by a representative of the iron and steel industry, reflected the tense atmosphere of the meeting:

"In regard to the shipment of iron to the so-called enemy countries like England, France, Belgium, Russia, and Czechoslovakia, only six percent of our export goes there. That does not help the British to keep up their armament."

The reference to the so-called "enemy countries" was no empty figure of speech. The weapons of war were being forged with terrifying rapidity, and the moment for their use was close at hand. Later in November, Hitler summoned his foreign ministers and the four chiefs of the armed services including Hermann Goering, the Commander-in-Chief of the Luftwaffe. What was said is set forth at length in the Judgment of the International Military Tribunal.¹ Hitler announced his "irrevocable decision to solve the German space problem", and indicated that the first

1. Judgment of the International Military Tribunal, Vol. I, Trial of the Major War Criminals, pp. 189-192.

steps would be the conquest of Austria and Czechoslovakia. Thereafter as the International Military Tribunal found; "This decision to seize Austria and Czechoslovakia was discussed in some detail; the action was to be taken as soon as a favorable opportunity presented itself". Such an opportunity was found within four months in the case of Austria and ten months in the case of Czechoslovakia. The Shadow of the Third Reich was darkening; the German war machine, built by Farben and other German industrialists and assembled by the Wehrmacht, was about to be set in motion.

COUNT ONE:
PLANS, PREPARATIONS, INITIATION OF INVASIONS
AND INITIATION AND WAGING OF AGGRESSIVE WARS.

As we approach the time of arms and conquest, it will be useful to take a close look at Farben's position in the Third Reich. We have seen the defendants establish relations with Hitler in 1932, help him to power in 1933, and bend their energies thereafter to the armament program. The documents have shown their great success in winning the support of Goering and other high officials, and the enviable position they attained through the decline of Schacht's power and the adoption of the Four Year Plan.

But it must not be overlooked that, on matters not clearly covered by the platform, there were many shades of opinion in the Nazi party. This was true among both the leaders and the rank-and-file. The party had won many recruits from those who had no use for capitalists and big corporations. Among this so-called "radical wing" of the party the terms "capitalist" and "Jew" were often coupled. And the Nazi party press often gave expression - sometimes very emphatically - to such views.

This Nazi form of anti-capitalism was a continuing source of concern to these defendants. It was not very prevalent among the men with whom they had chiefly dealt, such as Goering, Milch, and the Wehrmacht officers. But new situations arose, beginning in 1938, as the result of territorial expansion. There were valuable chemical and other properties

in the countries about to be occupied, and Farben had its own private war to wage for the acquisition of those properties and the aggrandizement of the Farben empire. From the owners of these concerns. Farben had little to fear, but it was bound to face competition and opposition from other powers in Germany. Voices were bound to be heard in opposition to the "claims" of big corporations like Farben, and on behalf of state ownership, or of other claimants. In this respect, Farben learned much and quickly from the occupation of Austria.

The year 1938.

As the course of conquest unfolds, so will the tactics adopted by Farben to meet these new problems. In 1938, the defendants had already become acutely conscious of the need for "acceptance" of Farben, despite its size and wealth, on a broader basis within the Nazi party. On 31 July, an article on Farben appeared in the official Nazi organ, the Volksischer Beobachter. It was written by Dr. Fritz Nonnenbruch, the chief editor, and its contents illustrated, at one and the same time, the vital role of Farben in the German war economy, and the overtones of hostility in certain party circles which Farben was seeking to overcome. It read, in part:

"Chemistry, in these years, is exerting an influence on national production to an extent which, in spite of the importance which the chemical industry already had previously, could not have been foreseen. What the chemical industry is today is evident from the fact that it, above all, has succeeded in securing national independence with regard to raw materials, an accomplishment which, previously, had frequently been considered impossible. One of the piers of the bridge across this "impossible" is I.G. Farben. One could judge this enterprise as one wished and in a manner which formerly was perhaps justified; now this enterprise is a bastion in Germany's struggle for independence with regard to raw materials.

"It is sufficient to quote the terms synthetic gasoline and synthetic rubber. The value of these two processes alone to German national economy cannot be expressed in terms of money any more than the price of a glass of water to a person who needs this water urgently for the preservation of his life. The fact that we have synthetic gasoline and synthetic rubber not only enriches our production, but it is more, it is a contribution to the safeguarding of our liberty. Synthetic gasoline and synthetic rubber are not the only products the I.G. Farben has given us, following the supply in former years of synthetic nitrogen to the German nation by the plants of this enterprise.....

"It is important, however, that I.G. Farben, had it not been the major combine that it is, would not have been able to develop its chemical processes. What could we have done during the World War without artificial nitrogen? What would we do now without synthetic gasoline and synthetic rubber? And how restricted would be our hopes if we had not positive knowledge of new synthetic processes which will follow? These achievements confirm the necessity of major combines."

Even more interesting is the letter under cover of which a copy of this article was forwarded to the defendant von Schmitzler. In the letter, the author commented that: "It is the first time that, out of this political atmosphere, the fundamental question of the rights of large combines such as I.G. Farben has been dealt with in such a positive manner." The writer further commented that the article was

Written "after Dr. Nonnenbruch had visited Leverkusen" and "after personal relations between him and myself had been improved at every available opportunity." The writer of the letter was chief of the press section of Farben's NW 7 office, and an immediate subordinate of the defendant Ilgner. The defendants were resourceful men.

1. Invasion and Occupation of Austria.

On 12 March, 1938, Germany invaded Austria. This move was, as the International Military Tribunal found,¹ a "premeditated aggressive step", but its timing was not planned in advance. On the contrary it was precipitated, unexpectedly even to Hitler, by Schusnigg's announcement on 9 March there would be a plebiscite on the question of Austrian independence.

For years Farben had coveted - and coveted in vain - Austria's biggest chemical enterprise, the gunpowder factory Skodawerke-Wetzler A.D., the majority interest in which was firmly held by one of Austria's principal banks, the Oesterreichische Kreditanstalt. Farben had contacted the general manager of Skodawerke-Wetzler A.G. Mr. Pollak, and had also sounded out the leading man of Kreditanstalt. But in spite of the pressure under which Austria was living after the murder of Dollfus, and in spite of the fact that Pollak was a Jew and had good reason to be apprehensive, all the attempts Farben had made to acquire the Skodawerke-Wetzler A.G. met with failure. As late as February, 1938, Pollak wrote to a Farben Vorstand member that "for reasons which are beyond our influence, it is not possible to relinquish our standpoint that the Kreditanstalt unconditionally must keep 51% of the shares (of Skodawerke-Wetzler A.G.) in its strict control....."

1. Judgment of the International Military Tribunal, Vol. 1, Trial of the Major War Criminals, p. 192.

A month later, the invasion of Austria presented Farben with its golden opportunity. Goering promptly gave directions for the extension of the Four Year Plan to Austria, and Farben equally promptly expressed its willingness to "participate in the reconstruction of Austria" and "placed its cooperation at the disposal of the authorities." As early as 9 April, Farben had prepared recommendations entitled the "New Order of the Major Chemical Industries of Austria". Such was signed by the defendants Haeffliger and Kugler. This document was distributed to, among others, Hitler's former economic advisor, Wilhelm Keppler, with whom Farben had had dealings on synthetic rubber matters, and who by now was a high official of the German Foreign Office in Vienna. So bold was Farben's demand that the Austrian chemical industries be allocated lock, stock, and barrel to Farben, that Keppler's first reaction was to inquire sarcastically "whether the I.G. was intending to swallow the whole of the Austrian chemical industry."

But Farben's tactics were at much more varied and far less delectable. Whatever appealed to the Nazi mind was shamelessly used as an inducement. In its reports to the German government, Farben repeatedly pointed to the fact that there were many Jews in the Austrian chemical industry who should be replaced by people of Aryan lineage, particularly by Farben people. At a meeting of Farben's Commercial Committee in June 1938 it was agreed that: "In order to safeguard uniform Farben interests, all non-Aryans employed by the Austrian organizations, in accordance with the directives issued by Geheimrat Schmitz, should be given leave of absence, i.e., should be dismissed at the earliest possible date. Likewise, the members of Aufsichtsrat

and Verwaltungsrat, insofar as they are non-Aryans, are to be asked to give up their mandates." And in the "New Order" report of Haefliger and Kugler, anti-Semitism was neatly coupled with the familiar appeal to the necessities of the Four Year Plan, and the two together were advanced as the reasons why Farben's proposals should be brought "to a speedy conclusion":

a) The leading officials - it is true - have been in the meantime replaced by Aryans. The equally necessary reorganization of personnel in subordinate positions can be completed appropriately and with a long-range view only when a clear picture of the future situation exists...

c) The groundwork should be laid immediately to prepare assignments to be carried out by the chemical industry of Austria within the framework of the Four Year Plan.

By such tactics, and after intervention by a number of Farben directors, including the defendant Ilgner, Kugler, Haefliger, and Gattineau with Nazi bigwigs such as Seyss-Inquart and Keppler, Farben carried the day. Farben's contacts with the Nazi leaders in Austria was greatly aided by the fact that Farben had given a timely retainer to a notorious Austrian Nazi, Dr. Neubacher, who was personally appointed Mayor of Vienna by Goering soon after the "Anschluss" and who proved extremely helpful to Farben's Austrian activities. Pollok, the Jewish manager of the Skodawerke-Wetzler, called in the Farben representative in Vienna and surrendered his desk. The Kreditanstalt bowed to force. The Skodawerke became part of the Farben empire.

This acquisition was but one step in Farben's subjugation of Austria's chemical industry. Others were to

follow in which similar tactics were employed. The full story of Farben's industrial plunder in Austria will be set forth when the prosecution presents its evidence under Count Two of the indictment.

But while the acts which we have just described constitute a separate crime under Count Two of the indictment, they are equally criminal under Count One, and the charges with respect to plunder and spoliation are incorporated in Count One by virtue of paragraph 84 of the indictment. These acts were an intrinsic part of the invasion of Austria, and the invasion clearly constituted a "crime against peace" with the meaning of Control Council Law No. 10. And the occupation of Austria, including the conversion of Austrian industry in conformity with the needs of the Four Year Plan, was part of Germany's preparation for the aggressive wars which were to be launched in the near future. In the conversion of the Austrian chemical industry, Farben, of course, played the leading role.

2. More Preparations.

1938 witnessed an intensified development of the industrial mobilization plans which had been prepared at all Farben plants the previous year. In May 1938, a conference of all Farben's war plant managers was called by the Vermittlungsstelle W to perfect the mobilization plans and to discuss personnel problems which would arise "in case of mobilization" and the calling of all able-bodied men in the Third Reich for military service. The minutes of this conference were distributed to the army officials and heads of draft boards in the various military districts. Throughout the entire year, in every important committee of I.G. Farben including the Technical Committee, the Commercial Committee and the Dyestuffs and Chemicals Committees, "Mob-Plans were

intensively discussed with a view to perfecting them for immediate execution upon the outbreak of war."

In the summer of 1938, with the invasion of Czechoslovakia imminent, Farben took the initiative in reorganizing the chemical program outlined by the Four Year Plan in line with the requirements for waging war. Goering took measures to speed up the program for chemical warfare and explosives after the defendant Krauch had pointed out to him that the figures being relied on by Goering in preparation for war were incorrect, and the danger of making war plans on an inaccurate basis. On 12 July 1938, Krauch and Goering worked out the so-called "Karin Hall Plan" (also called the "Krauch Plan"), which contained a new program for chemical warfare agents (poison gas), explosives, rubber and gasoline. The administrative basis of the plan had been prepared by the defendant Ambros a few days prior thereto. Thereafter, Krauch was appointed by Goering as Plenipotentiary General of the Four Year Plan for Special Questions of Chemical Production, and was vested with the Administrative powers suggested by Ambros. With the assistance of key technical men of Farben, Krauch prepared special mobilization plans for the chemical industry, including an allocation and priority system for labor and building materials.

In the summer of 1938, Farben's war activities became almost frenzied. Additional "War Deliveries Contracts" were concluded with the Wehrmacht. All of these contracts specified the amount and terms of deliveries which would be undertaken by Farben "in the event of mobilization". The problem of storage facilities for future deliveries was investigated by Vermittlungsstelle W. The Army Ordnance Office ordered the Vermittlungsstelle to increase production capacity at the Wolfen plant "to the greatest capacity possible at

the present time." Leverkusen shipped out numerous cases of war gases.

In July, with the international situation growing tenser, the Reich Air Ministry became alarmed because Farben's output of tetraethyl lead, essential in the manufacture of high octane aviation gasoline, was not being produced in sufficient quantities for war purposes. Farben was producing sufficient tetraethyl lead for Germany's peace needs and was expanding its plant to meet war requirements, but the danger of immediate war was thought great enough so the the Air Ministry urgently requested Farben to obtain from abroad and store five hundred tons of tetraethyl lead to tide the Luftwaffe over until Farben's plant could make up the deficiency.

A member of the Farben Technical Committee, Mueller-Cunradi, immediately got in touch with the London representative of the Ethyl Export Corporation, an American concern. Farben arranged to "borrow" five hundred tons of tetraethyl lead, and agreed to return it to the Ethyl Export Corporation by the end of 1939. The loan was secured by the deposit of approximately one million dollars as collateral. Farben explained to the Ethyl Export Corporation that:

"The addition of tetraethyl lead to automobile gasoline depends on a sufficient reserve of tetraethyl lead in Germany."

Having secured the lead by this misrepresentation, Farben, of course, failed to return it at the end of 1939, and the collateral was forfeited.

With the approach of the Munich crisis, matters reached such a pitch that it was impossible for Farben officials, or indeed any other responsible officials or industrialists, to believe that the enormous production of armaments,

reaching unbelievable proportions in 1938, could have any other meaning but that the Third Reich intended to wage war. It was quite impossible to believe that such enormous armaments were for defensive purposes. Immediately prior to the Munich conference of September 1938, and in order to prevent the seizure of Farben's foreign assets, special procedures were worked out by Farben, in consultation with government officials, authorizing Farben to camouflage or "cloak" its foreign assets through transfers to neutral trustees.

3. Invasion and Occupation of the Sudetenland.

During the seizure of Austria, it was Germany's policy to quiet the understandable fears of Czechoslovakia with soothing words. Goering and other Nazi officials repeatedly assured the Czech representatives that their country had no reason to be apprehensive. But late in March, Conrad Henlein, leader of the Sudeten German party in Czechoslovakia, met with Hitler in Berlin, and thereafter conferences between

Hitler and his military leaders culminated, late in May, in a secret order to prepare for military action against the Czechs by 1 October, 1938. As the International Military Tribunal found:¹ "These facts demonstrate that the invasion of Czechoslovakia had been planned in detail long before the Munich conference."

Farben was keenly alive to the prospect of annexation of the Sudetenland, and immediately "tackled the problem of what would happen if Sudeten-Czechoslovakia, and therewith the plants Aussig, Falkenau, and possibly Bruschau, should be incorporated into Germany". The Aussig and Falkenau plants, both located in the Sudetenland, belonged to the largest chemical concern in Czechoslovakia, the Prager Verein, which was in sharp competition with Farben, particularly in southeastern Europe. As early as 2 April, the defendant Haefliger sounded out Keppler with respect to acquiring the Aussig plant, and reported: "Evidently he is very much interested in the idea".

On 23 May 1938, four months before the invasion of Czechoslovakia, and one week before Hitler's secret order to prepare for military action, a conference took place at Farben's Berlin NW 7 office, attended by the defendant Kugler. The conferees discussed the elimination of the only two persons of non-Aryan descent in Farben's sales agencies in Prague, and the dismissal of Czech nationals from executive positions. The meeting decided that:

Our aim should be to prevent authorized sellers of I. G. products abroad from having to be in any way dependent upon Jewish banks, since we would otherwise be branded with the stigma of cooperating with Jewish firms. Furthermore, such conditions of ownership could possibly deprive us of the liberty of directing our agencies at will, as our experience in Austria had shown, if such Jewish banks should come under the direction of trustees appointed by the Government (Kommissars)."

1. Judgment of the International Military Tribunal, Vol. I, Trial of the Major War Criminals, p. 196.

October, German troops entered the Sudetenland. On 3 October, Falkenau was occupied, and on 9 October, Aussig. After various forms of duress had been applied by German officials, at the instigation of Parben, to force the Prager Verein, against its will, to "sell" its Sudeten plants, formal "negotiations" started at a meeting in Berlin in November at which the defendants Schmitz, von Schnitzler, Ilgner, Kuehne, and Kugler were present. A series of conferences culminated in a meeting in December at which the defendant von Schnitzler presided. He told the representatives of the Prager Verein that he knew that they were trying to sabotage the deal and that he was, therefore, going to report to the German government that because of the attitude of the Prager Verein, social peace in the Sudeten area was being menaced, that unrest could be expected at any moment, and that the responsibility would fall upon the Prager Verein. The representatives of the Prager Verein thereupon sought advice from the Czechoslovakian government and were advised to do the best they could. The next day the agreement for the sale of the property was signed.

The defendants had good reason to conduct these "negotiations" with arrogant confidence. Hitler had been able to prevail at Munich on the basis of solemn public assurances that, after the Sudeten problem was solved:¹ "There will be no more territorial problems for Germany in Europe.....I will be no longer interested in the Czech State, and as far as I am concerned I will guarantee it. We don't want any Czechs". These assurances prompted Chamberlain's hope for "peace in our time."

But the defendants knew better and every responsible official in Germany knew better. On 21 October, another secret directive from Hitler to the armed forces specified, as one of the tasks for which the Wehrmacht must be prepared, the "liquidation of the remainder of Czechoslovakia."²

1. Judgment of the International Military Tribunal, Vol. I, Trial of the Major War Criminals, p. 197.

2. Ibid.

The meeting also deemed it expedient: "to begin immediately and with the greatest possible speed to employ Sudeten Germans for the purpose of training them with I. G. in order to build up reserves to be employed later in Czechoslovakia."

In July 1938, a report on the chemical industries of Czechoslovakia was prepared for the Commercial Committee of Farben, and thereafter Farben initiated discussions with the interested German authorities and recommended that its representatives be appointed commissars to take over the operation and management of the chemical industries of the Sudetenland and integrate their production to the Four Year Plan. The more German pressure against Czechoslovakia increased, the more urgent became Farben's attempts to convince the Government that as soon as the Sudetenland was annexed by Germany, it was Farben which should manage the plants. On 23 September, 1938, the defendant Kuehne was pleased to learn from Ter Meer and von Schnitzler "the pleasant news that you have succeeded in making the competent authorities appreciate our interest in Aussig, and that you have already suggested commissars to the authorities, viz. Dr. Wurster and Kugler."

Again, on 29 September, 1938, the day that the Munich Pact was signed, the defendant von Schnitzler reported on a meeting with Keppler: "The negotiations have been successful insofar as all parties acknowledge that as soon as the German Sudetenland comes under German jurisdiction, all the works situated in this zone and belonging to the Aussig Union, irrespective of the future settlement of accounts with the head office in Prague, must be managed by trustees for account of whom it may concern." The defendant Kugler (together with a Sudeten German engineer) was appointed "commissar for the maintenance of the plants". The next day the defendant Schmitz wired Hitler that he was "profoundly impressed by the return of Sudeten-Germany to the Reich, which you, My Fuehrer, have achieved", and that Farben "puts an amount of half a million reichsmarks at your disposal for use in the Sudeten-German territory". On 1

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One week earlier, Goering called a conference of important government officials, at which the defendant Krauch was present. Goering announced that Hitler had ordered him "to carry out a gigantic program compared to which previous achievements are insignificant". He stated that within the shortest possible time "the Air Force is to be increased five fold", that naval armament should be expedited, and that "the Army should procure large amounts of defensive weapons at the fastest rate, particularly heavy artillery pieces and heavy tanks." The notes of this conference also state:

"The Sudetenland has to be exploited with all means. General Field Marshal Goering counts upon willing economic collaboration by the Slovaks. Czechs and Slovaks would form German dominions. They must be exploited to the utmost..... Searches for oil and ore must be conducted in Slovakia by State Secretary Keppler."

The defendant Krauch may tell us that he did not believe what he heard; but the brow-beating of the Czech businessmen by the defendants, which occurred during those same weeks, is a more reliable guide to the Farben attitude. And by March of the following year, the march of events amply confirmed Goering's words.

The Chief of Counsel will now continue.

GENERAL TAYLOR: B. 1939 and After

As the decisive year of 1939 began, Hjalmar Schacht made a last bid to revive his influence in the Third Reich. He had been replaced by Goering as the central figure in the armament effort in 1937, and in that year had resigned both from his position as Minister of Economics and as Plenipotentiary General for War Economy. But he had stayed on as president of the Reichsbank, which continued to function as the financial agent of the Reich in floating loans to finance Goering's armament program. At the end of 1938, with the Reich treasury nearly empty, Schacht seized upon the issue presented by the fiscal crisis, and in January 1939, both orally and in a report signed by the Directors of the Reichsbank, he urged a drastic curtailment of armament expenditures

in order to balance the budget and prevent inflation, Hitler's answer was to dismiss Schacht as president of the Reichsbank. Schacht retained the empty title of Reichsminister without Portfolio until 1943, but he had lost all influence with the Nazis, and ceased to play any effective part in government affairs.

In fact, events were moving rapidly in the opposite direction. In the middle of March 1939, broken by Goering's threat to destroy Prague from the air, the Czech president signed the agreement for the occupation of Bohemia and Moravia by German troops. These two provinces became a protectorate of the Reich, and Slovakia a minor "satellite" power. The conquest of all of Czechoslovakia opened up new fields of industrial plunder for Farben, which were promptly exploited by the defendants.

Farben's mobilization for war was by now virtually complete. A report written to the defendant von Knieriem in June 1939 and circulated to most of the defendants read: "While three or four years ago, only isolated sections within I. G. were engaged on work concerning Wehrmacht problems, at present there is experimental work in progress in almost all major I. G. plants, which is being carried on either directly at the order of the Wehrmacht or in which the Wehrmacht is taking an active part either due to the particular nature of the problems in question or through providing experts to participate in the work." In February, 1939, Wehrmacht officers from the Ordnance Office made an extended inspection tour of Farben's explosives plants. A new production plan for explosives, known as the "Rapid Plan", was developed, so that the more important explosives products were given production priority, and other changes were made to meet the needs of the emergency. The same month, a general conference of the mobilization managers of the larger Farben plants was called, and in the spring the final mobilization plans were approved by the Reich Economic Group for Chemistry.

In March, the defendant von Knieriem and his Legal Committee recommended that drastic measures be taken to plan the camouflage of Farben's foreign holdings in order to protect them from seizure by the enemy. These measures not only served the interests of Farben, but enabled its foreign empire to promote the government's foreign activities. The Committee's report, which was circulated to the defendants von Schnitzler, Ter Meer, and others, stated:

.....the risk of seizure of the sales organizations in the event of war is minimized if the holders of shares or similar interests are now residing in neutral countries. Such a distribution of holdings of shares or other interests has the further advantage of forestalling any conflicts troubling the conscience of an enemy national who will inevitably be caught between his patriotic feelings and his loyalty to I. G. A further advantage is that the neutral, in case of war, generally retains his freedom of movement, while enemy nationals are frequently called into the service of their country, in various capacities, and, therefore, can no longer take care of business matters.

Nevertheless, it is obvious that transfers of shares or similar interests in our sales companies to neutrals residing in neutral countries cannot be handled uniformly in all cases and without consideration of other aspects. To mention just two of these, an accumulation of such shareholdings in the few countries that will presumably remain neutral would arouse suspicion, and the number of trustworthy persons who can be considered assuitable holders of such shares or similar interests is limited. In addition, it is necessary that protective measures be taken by I. G.

for the eventuality of war should not substantially interfere with the conduct of business in normal times. For a variety of reasons, it is of the greatest importance for the normal conduct of business that the officials heading the agent firms who are particularly well qualified to serve as clocks, should be citizens of the countries wherein they reside.

1. The Invasion and Occupation of Poland.

On 23 May 1939, Hitler called a meeting of the leaders of the Wehrmacht. Goering was present as Commander in Chief of the Luftwaffe, and the group also included Milch and other high ranking officers from the Luftwaffe and Air Ministry, with which Farben had dealt so closely. The military leaders heard Hitler say, among other things:

"A mass of 80,000,000 people have solved the ideological problems. So, too, must the economic problems be solved...This is impossible without invasion of foreign states or attacks upon foreign property...Further successes cannot be obtained without the shedding of blood. Danzig is not the subject of the dispute at all. It is a question of expanding our living space in the East and of securing our food supplies, of a settlement of the Baltic problem....The population of non-German areas will perform no military service, but will be available as a source of labor... There is, therefore, no question of sparing Poland, and we are left with the decision to attack Poland at the first suitable opportunity. We cannot expect a repetition of the Czechoslovakian affair. There will be war....."

Hitler's decision can hardly have come as a surprise to any of those present. The occupation of Austria, the Sudetenland crisis, and the breach of the Munich Agreement by the occupation of Bohemia and Moravia, were fresh in their minds. Time after time Hitler had proclaimed Germany's peaceful intentions, and just as often Germany's acts had belied these protestations.

Nor were the conferees the only ones who knew what terrible events were in the offing. The frenzied pace of the German armament effort, the

events of the recent months, and the widely publicized objectives of the Nazi party made the future only too clear. If one may concede room for doubt before 1939, after the Wehrmacht's entry into Prague no one could longer doubt that the Third Reich was ready for war. The tension which lay over Europe became nearly intolerable, and Germany was in a constant condition of emergency mobilization. Industrial mobilization had been planned down to the last detail. During the summer, incidents began to "occur" along the German-Polish border, and riots "broke out" in Danzig. These echoes of the Sudetenland crisis were well understood by intelligent, influential, and well informed men such as the defendants. They knew that Germany would attack Poland, if that unhappy country refused to give in without a struggle.

The defendant Krauch was at Goering's right hand, and several others were working closely with Krauch. Many of the defendants were in key positions in the government or the semi-official Economic Group Chemical Industry. All major Farben projects and policies within the armament effort had been approved in meetings of the Vorstand. It seems superfluous to mention particular meetings at which high government officials informed Farben that war was bound to come; certainly many of these defendants knew the truth far better than those who presumed to whisper state secrets in their ears. But it is perhaps worth mentioning that, in July 1939, the defendant von Schnitzler conferred in Berlin, as was his monthly custom, with a high official of the Reich Economics Ministry named Ungewitter, and Ungewitter, speaking on behalf of the Four Year Plan, told von Schnitzler that Hitler was determined to invade Poland and that, in view of the guarantees which had been extended to Poland by England and France, Germany must be prepared for an attack on its western frontier. Ungewitter had also made similar statements to others among the defendants, such as Tor Meer, Wurster, and Ambros.

On 2 August, Ungewitter, as Reich Commissioner for Chemistry, gave Farben the alert for war. Through the Vermittlungsstelle W, instructions to Farben plants were given as follows:

"The basic principles should be that the raw and auxiliary materials necessary for the execution of the mobilization orders issued to you...will be held in stock by you for a certain period. In agreement with the Reich Ministry of Economics, I accordingly direct you to stockpile that amount of the raw and auxiliary materials indicated by you as necessary for the execution of the mobilization order, which would cover the requirements for three months....It is incumbent upon you to register as priority transports the quantities of these materials required for the first four weeks from the beginning of mobilization with the military economic department concerned....Please inform me as soon as possible that the directives issued to you for stockpiling have been carried out."

The Vermittlungsstelle W immediately passed those instructions to the Farben plants, and was soon able to inform Ungewitter that they were prepared. The time had come for putting into effect the "cloaking" plan for Farben's foreign assets which the defendant von Knieriem had devised. As this program, known among the defendants as "tarnung" (camouflage), was put into effect, Farben explained to the Reich Minister of Economics:

"We declare that we shall have unrestricted influence upon the foreign companies, even after the carrying out of the measures aimed at, and that we are preparing and in a position to insure that all foreign values on hand will be delivered to the Reichsbank either directly by way of the export proceeds, or via Stockholm as indicated in our proposal... We declare, moreover, that the decisive real influence we shall have on the foreign sales companies, even after the carrying out of the new requirements, will be sufficient in every respect to answer the requirements, of the German governmental and party authorities with regard to personnel and political questions. We shall always be able to eliminate from our sales business those individuals who are unsuitable or suspect because of their political position and to insure that no conflicts arise between the staff of our foreign economic sales organization and the general German viewpoint and government and economic policy."

But, as we have seen before, it is from the defendants' greed for power and plunder that we derive the clearest evidence of their knowledge and intentions. While von Rundstedt and von Bock were deploying the German legions on the Polish frontier in accordance with their plan of attack, Farben was carefully surveying the Polish chemical industries in anticipation of the benefits to be derived from conquest. On 28 July 1939, a comprehensive report was prepared under the direction of the defendant Ilgner, which was entitled "The Most Important Chemical Plants in Poland", and which set forth a detailed description of the physical structure of these plants, the products they manufactured, their adaptability to the German war economy, and the names of their owners and directors.

On 28 August, the Vermittlungsstelle W notified the Farben plants that it could, for the time being, be reached day and night by telephone and teletype. That day or the next, the defendant Schneider, head of Section I, called a meeting of the department chiefs of the Leuna plant and informed them that the order for the mobilization of the plants had been given. Schneider closed the discussion with the words: "This is war."

On 1 September 1939, the Wehrmacht invaded Poland. As the International Military Tribunal found, the war initiated by Germany against Poland "was most plainly an aggressive war which was to develop in due course into a war which embraced almost the whole world and resulted in the commission of countless crimes, both against the laws and customs of war, and against humanity."

On the day of the Polish invasion, the famous German steel magnate, Fritz Thyssen, who had been one of Hitler's earliest supporters among the industrialists, fled from Germany, and, as a member of the Reichstag, directed that his vote be cast against the declaration of war. One week after the declaration of war, von Schnitzler and others among the defendants started to carry out their program for the seizure of the Polish chemical industries for Farben's benefit.

2. The War Years

Farben's plans for war had been so carefully laid that the actual outbreak of war created no major problems. By a telegram from the Vermittlungsstelle W sent at the orders of the Reich Economy Minister, all Farben plants were ordered "to switch at once to the production outlined in the mobilization program."

The war which Farben had done so much to make possible had finally come to pass, and Farben continued to function as a vital source of materials and weapons for the German military machine. New and enormous plants were constructed for the production of nitrogen, methanol, and synthotic fuels. Two buna rubber plants had been built before the war, and two more were added in 1941 of which one was located outside the Reich at Auschwitz, and of which we will hear much more shortly. In anticipation of the possibility that poison gas would be used again, Farben built several large installations for its production. It is interesting to note that Farben went to some lengths to conceal its poison gas activities by the formation of subsidiary corporations with unrevealing names such as "Iuranil" and "Anorgana", and the contracts with the Wehrmacht for poison gas production were made in the names of such dummy subsidiaries.

Farbe, in short, having planned, prepared, and initiated invasions and aggressive wars, proceeded to devote all its energies to the waging of war. Within Germany, it was the arsenal of the Third Reich. In the occupied countries, it was heavily engaged in its plans for industrial spoliation which will be outlined under Count Two. Both within the Reich and in the occupied territories, it was heavily involved in the murderous slave labor program of the Third Reich, as will be set forth under Count Three.

But the evidence under Count One does not close with the year 1939. Two years elapsed before the tide of war reached the western hemisphere, and during these years Farben continued to be an energetic and resourceful partner of the Nazi government in the fields of propaganda and intelligence, and was particularly effective in delaying the

arming of the western countries to meet the German menace.

Farben's foreign intelligence activities were conducted chiefly through its foreign representatives under the aegis of the defendant Ilgner and the Berlin NW 7 office, and with the cooperation of the Bayer Sales Agencies under the defendant Mann. The information network which Farben had built up proved valuable so that in many cases Farben's agents (the so-called Verbindungsmannor) were taken into the intelligence divisions of the Wehrmacht and of the SS. In Brazil, Peru, Chile, Venezuela, Ecuador, Mexico, and generally throughout Latin America, Farben representatives were the mainsprings of the local branches of the Nazi party, furnished propaganda services, and were a constant source of valuable information.

In addition, Farben assisted the German intelligence services by placing on its payroll, and sending abroad under its auspices, the regular officers and agents of the intelligence services. This device was frequently resorted to in the Balkan countries, Turkey, Spain and Portugal.

Far more important than these intelligence activities was Farben's deliberate use of international cartel and syndicate arrangements to delude businessmen in other countries and thereby delay foreign research in the field of armaments. Activities of this type were of particular importance in the United States, which was the most highly industrialized and potentially powerful country in the world. Examples of Farben's use of cartels and trade agreements for aggressive purposes may be found in several fields. But the most significant instance was Farben's agreement with the Standard Oil Company of New Jersey.

Farben's contractual history with Standard Oil is an excellent illustration of the manner in which Farben, in close cooperation with the Nazi government, utilized international cartel arrangements in the interests of the German war economy. In 1929, shortly after Farben had developed its processes for the manufacture of synthetic fuels, an agreement was concluded between Farben and the Standard Oil, the general purport of which

was that throughout the entire world, including the United States, Standard Oil recognized Farben's priority in the "chemical" business and that, except within Germany, Farben recognized Standard Oil's priority in the "oil" business. New "chemical" processes discovered by Standard Oil were to be turned over to Farben unless they bore a close relation to the "oil" business, and Farben entered into a reciprocal obligation with respect to developments related to the "oil or a natural gas" business, except within Germany.

In 1930, Farben and Standard Oil entered into a further agreement, the purpose of which was stated to be "the desire and intention of the parties to develop and exploit their new chemical processes jointly on a basis of equality (50-50)". For this purpose, a jointly-owned corporation called Jasco was set up to test and develop new processes turned over to it by either Standard or Farben.

Both parties to the agreement realized that there was considerable overlap between oil and chemical fields and that borderline cases would constantly arise. The nature of the "treaty" between Farben and

Standard Oil was well summarized in a letter written in 1936 by Frank A. Howard, president of the Standard Oil Development Company:

"The I.G. may be said to be our general partner in the chemical business as to developments arising during the period beginning in 1929 and expiring in 1947. The desire and intention of both parties is to avoid competing with one another and by those means to permit their technical organizations to cooperate whole-heartedly to their mutual advantage.

"The assumption is that the I.G. are going to stay out of the oil business proper, and we are going to stay out of the chemical business insofar as that has no bearing on the oil business.

"We have lived under the I.G. relationship for about one-half of the total term, considering the fact that the relationship actually began about two years before the contracts were actually executed. The chemical side of the arrangement has been satisfactory to both sides and profitable to us at least through this period. The arrangement is one which necessarily requires real good will on both sides. The personnel of the I.G. with whom we shall have to deal in this respect has changed somewhat during this ten-year period, but there is no indication that the new executives will not be able and willing to work with us in the same spirit of good will in which the earlier group worked."

Despite the general language of the Jasco agreement, however, it apparently was agreed on both sides that the development of synthetic rubber processes fell

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within its terms, and that new developments in the synthetic rubber field should be turned over to Jasco. A letter of Mr. Howard's written in 1940 states:

"The Buna synthetic rubber development (to the extent the product was made from oil and natural gas raw materials) was recognized by both parties as coming within the field of this corporation."

As Mr. Howard put it, the arrangements between Farben and Standard Oil were such as to require "real good will on both sides". But the subsequent history of the parties' actions under the contract may best be summarized by stating that one of the parties was entirely trustworthy, and perhaps too trusting, whereas the other was not to be trusted at all. The Standard Oil Company observed the agreement meticulously and, as Mr. Howard's letter shows, was impressed with the "spirit of good will" on the part of Farben. Farben, on the contrary, throughout the period of the agreement, behaved with calculated deceitfulness, and its every move was made in consultation with the Nazi government and was directed to strengthen Germany's technical position and slow down research in the United States. As early as March 1934, Farben instructed its subsidiary in New York, Chemycor, which was negotiating with the Du Pont Company on nitrogen matters, not to indicate to Du Pont that the Nazi government might interest itself in the international interchange of technological processes. The letter states that: "We must not allow foreign industry to gain the impression that, in this respect, we are not free to negotiate". And in 1935, a memorandum of a conference

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between Farben representatives and Wehrmacht officers stated:

"The I.G. is bound by contract to an extensive exchange of experience with Standard. This position seems untenable as far as developmental work which is being carried out for the Reich Air Ministry is concerned."

In July, 1937, another such conference took place. The necessity was stressed of keeping Farben processes for the production of fuels and airplane gasoline secret except to the extent already known by foreigners and authorized by the Wehrmacht. The test agreed upon was whether there was immediate danger that foreigners would develop the processes in the near future without benefit of the Farben "know-how". It was also agreed that false impressions were to be given by Farben to its foreign partners such as Standard Oil as to the scale of experiments being conducted by Farben.

Farben's cartel policy is stated bluntly in a memorandum which the defendant Bockfisch wrote in January, 1940, after the outbreak of war. After reciting that "in the field of mineral oils" there were agreements for the exchange of technical experience between Farben and Standard Oil, it stated:

"This exchange of experiences which the companies of the neutral countries still handle in the usual form and which is transmitted to us by way of Holland and Italy respectively, gives us, on the one hand, insight into the development work and into the intentions of the companies and their respective countries with regard to production, and informs us

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simultaneously on the progress of the technical development in the field of oils. In these reports on experiences, blueprints and technical details of the various experiences are given. The contractual obligation states that we, too, have to communicate abroad within the contractual limitations of our experiences in the field of oils. Up to now, we handled this exchange of experiences in such a way that we have given only reports which, after consultation with the OKW and the RLM, that being the Air Ministry, seemed to us unobjectionable and contained only such technical data as concerned known facts or such things as were technically outdated by the latest progress. By handling the agreements in this way we succeeded, viewed as a whole, in obtaining an advantage for German economy.

To keep up the contact with the neutral countries and their oil companies respectively, we consider it expedient to continue this exchange of experiences in the indicated form whereby it must remain decisive for us that under no circumstances experiences of military or defense-political importance got in this way abroad. In all doubtful cases, consultation with the competent agencies of the Reich must, therefore, be taken up under all circumstances."

On this memorandum appears a handwritten note reading: "Agreed. Director, Dr. Buettfisch, is responsible that nothing of military or defense-political importance gets abroad". This note was initialed by Hermann Goering.

The above description of Farben's tactics in the field of oil is equally valid for synthetic rubber.

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In 1937 began a long course of negotiations between Farben and Standard with respect to Farben's making available, for commercial development in the United States, the patents and, what was much more important, the "know-how" for the manufacture of buna rubber.

Whether or not there was a technical breach of the Jasco agreement by Farben is quite irrelevant. The significant fact is that Farben's carefully planned conduct was such as to lead Standard Oil and the big American rubber companies to believe that they would get the know-how from Farben under the agreement, and thereby discourage independent research in America.

Farben did not attempt to conceal the fact that the Reich government might not look with favor on a turning over of Farben's buna processes, but it succeeded in conveying the impression that Farben itself was only too willing to oblige, and that it would surely secure government approval in the near future. Impressed with Farben's protestations of good will, the Standard Oil Company turned over to Farben their own butyl (copolymer) rubber process. On 15 March 1938, three days after the occupation of Austria, Mr. Howard wrote:

"At my meeting with the I.G. gentlemen in Berlin on the Buna question, it developed that very rapid strides were being made in all phases of the Buna development... Certain difficulties still exist which prevent our I.G. friends from giving us full technical information and proceeding in the normal manner with the commercial development in the United States. It is to be hoped that these difficulties will be surmounted in the near future.

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"In view of the very genuine spirit of cooperation which Dr. Ter Meer displayed, I am convinced that it is not only the right thing to do, but the best thing from every standpoint to pass on to them full information on the copolymer at this time. I do not believe we have anything to lose by this which is comparable with the possible benefit to all of our interests."

Three days later, a conference was held at the Reich Economics Ministry which was attended, on behalf of Farben, by the defendant Ter Meer. A memorandum of this conference states in part:

"Conferences which, up to now, had the sole object of easing the minds of American interested parties, and possibly to prevent an initiative on their own part within the frame of butadiene rubber, were held with Standard, Goodrich, and Goodyear. We are under the impression that we cannot stem things in the U.S.A. much longer without taking the risk of being faced all of a sudden by an unpleasant situation, and lest we be unable to reap the full value of our work and our rights.....The American Patent Law does not make licensing mandatory. It would nevertheless be conceivable that because of the extraordinarily great importance of the rubber problem for the U.S.A. and because tendencies for restoring military power are very strong there too, considering the decrease in unemployment, etc., a bill for a corresponding law might be submitted to Washington. We, therefore, treat the license requests of the American firms in a dilatory way so as not to push them into taking unpleasant measures."

The conference then discussed the possibility of

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delaying further developments in the United States by maintaining secrecy. It was pointed out that independent development in the United States had advanced so far that it would be impossible to accomplish this result, and that a great deal might be obtained in negotiating with the Americans by way of improved trade relations between the U.S. and Germany. The government officials indicated that they might consider approving the initiation of negotiations in the U.S.A. for the fall of 1938, provided such negotiations would in no way affect the construction of Farben's buna plants already underway. And in October 1938, after the Munich crisis, the Reich Ministry of Economics did in fact give permission for the utilization of Farben's buna patents and technical information abroad, subject to the condition that the government's consent would have to be obtained before the final consummation of any such arrangement.

The following month, the defendant Ter Meer paid a visit to the United States, and on 28 November 1938, he discussed commercial exploitation of buna rubber in the United States with the Executive Committee of the Standard Oil Company and, subsequently with the big American rubber companies. But Ter Meer did not enter into any final contractual arrangements, and in the spring of 1939, negotiations along this line came to an end. As Ter Meer succinctly put it in a letter to the defendant Krauch in January, 1942: "I should like to state that, except for the license agreement concluded with our ally, Italy, processes and experiences on the production of butadiene and

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the manufacture of buna S and N were never made available abroad."

After the outbreak of the war in September, 1939, the Farben work was laid aside. Mr. Howard came to Holland and conferred with the Farben representatives at The Hague late in September. As a result of this conference, Farben transferred its interest in Jasco to the Standard Oil Company and transferred the buna patents to Jasco, but the vital "know-how" necessary for speedy exploitation of the patents was not transferred. A letter to the defendant von Knierim on 28 September stated:

"Dr. Tor Meer thinks it is necessary to point out specifically that there will be no exchange of experience with respect to buna."

The assignment of the buna patents themselves involved no more than bare specifications. Without knowledge of the accompanying Farben processes, they were of little scientific value. The only reason that Farben assigned the patents to Jasco in 1940 was to prevent enemy countries from seizing them, and to safeguard them in the event of war between Germany and the United States. Farben's notes on the conference at The Hague with Mr. Howard state that:

"In a later discussion Howard inquired whether, in the present circumstances, he would be able to transmit to the United States experiences for the production of buna. He himself considered this unlikely since in the event of war, the United States would be dependent upon the importation of crude rubber. We have promised Howard to answer this inquiry. Howard

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himself anticipated a refusal to transmit technical experience. In any event, he has not conditioned the readjustment of Jasco upon our furnishing experience for buna."

From 1939 on, it was quite impossible to obtain further technical information from Germany on the buna process. In October, Mr. Howard stated in a letter:

"Of all the synthetic rubber developments in the world, only the Buna-S development of the I.G. is, up to this moment, demonstrated to be a possible immediate reliance for production of synthetic rubber of quality suitable for automobile tires, at a price, and in quantities, which would be practical. We have not complete technical information on the Buna-S manufacture in this country, and cannot obtain any more information from Germany. We have complete control of the patents, however; and with the patents and the information we already have, it would be possible to produce the Buna-S product in the U.S. A minimum of two years would be required, however, to complete and get into operation the first large plant...."

All efforts to obtain technical information from Farben met with pointblank refusal. Thus, in April 1940, it was suggested to Mr. Howard that he try to discover "just what emulsifying agents and promoters the I.G. uses in making buna". Howard conferred with the defendants Tor Koor and von Knierim at Basel, Switzerland, in May 1940, and endeavored to secure this information, but was informed by the Farben representatives that:

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"It was, however, not able to inform Jasco what emulsifiers are used. The designation of the emulsifiers used by I.G. amounted to the transmittal of "know-how" which it was not in a position to give...."

In other words, Farben and Nazi government, in continuous consultation, utilized Farben's cartel arrangements, such as the one with Standard Oil, as a tool of German policy. The objective was to secure the maximum amount of technical information for Germany in order to promote Germany's war effort, and to withhold, so far as possible, any information of military value and thereby weaken the military potential of other countries.

THE PRESIDENT: I think, General, it is time for our usual recess.

The Tribunal will rise.

(A recess was taken)

(Following recess)

THE MARSHALL: The Tribunal is again in session.

GENERAL TAYLOR: Your Honors, I have only a few more words in conclusion on this matter of cartels.

A most enlightening description of Farben's policy is contained in a memorandum submitted by Farben scientists to the defendant von Knieriem in May 1944. An article by Mr. R. T. Haslam of the Standard Oil Company had appeared in the Petroleum Times for December 1943, which stated, among other things, that "the secrets brought to America from Germany fifteen years ago by American scientists have been turned into mighty weapons against Germany". The Farben memorandum of 1944 is a studied technical answer to the Haslam article. Whether the Haslam article or the Farben memorandum is nearer to the truth is quite irrelevant. The significant point, abundantly supported by the documents we have quoted, is that throughout the late thirties and the early part of the war, Farben and the Nazi government undertook to use the agreement with Standard Oil as an instrument of aggressive war. In the Farben memorandum of 1944, it is set forth, among other things, that:

The conditions in the Buna field are such that we never gave technical information to the Americans, nor did technical cooperation in the Buna field take place. On the basis of the contractual agreements, the Americans had only the right to reach a technical cooperation with I. G. at some undetermined date. Even the agreement reached in September 1939 and mentioned by Mr. Haslam did not give the Americans any technical information, but only that which was contractually their due, i.e., a share in the patent possession. Moreover, at that time a different division of the patent possession was decided upon, which seemed to be in the interest of both partners. The Americans did not at that time receive anything important to war economy, besides, they could have procured the patents without our agree-

ments in wartime, for during war a State will never be kept from production by enemy patents.

A further fact must be taken into account, which for obvious reasons did not appear in Haslam's article. As a consequence of our contracts with the Americans, we received from them above and beyond the agreement many very valuable contributions for the synthesis and improvement of motor fuels and lubrication oils, which just now during the war are most useful to us, and we also received other advantages from them.

Primarily, the following may be mentioned:

(1) Above all, improvement of fuels through the addition of lead-tetraethyl and the manufacture of this product. It need not be especially mentioned that without lead-tetraethyl the present method of warfare would be unthinkable. The fact that since the beginning of the war we could produce lead-tetraethyl is entirely due to the circumstances that shortly before, the Americans had presented us with the production plants complete with experimental knowledge. Thus the difficult work of development (one need only recall the poisonous property of lead-tetraethyl, which caused many deaths in the USA) was spared us, since we could take up the manufacture of this product together with all the experience that the Americans had gathered over long years."

In summary, as was found in an official American government study¹ of Germany's use of international cartels:

Germany used the cartel device as a medium for strengthening Germany's position to make war and, in turn, to weaken the defensive position of its potential enemies.

And the identical attitude was revealed in a memorandum which was prepared by Farben's Legal Committee in February 1941, which looked forward to Germany's use of cartels after a German victory had been achieved, and stated:

The essential task of the international chemical cartels, after the war, will be to support the German leadership in a European economy composed of one large territorial and economic unit, These cartels.....will be particularly suitable to subjugate recalcitrant manufacturers and to combine all forces against the overseas competition.

.3. Summary

At the conclusion of a recital of such facts and deeds as are comprehended in Count One of the Indictment and looking back over the last fifteen years, the word "why" forces itself into the mind. Why did the defendants help Hitler to Power? Why did Krupp von Bohlenell Hitler in 1933 that the Nazi regime was in line with the wishes of German industry, and why did Carl Bosch tell the Du Pont officials in July of that year that "industry must support the present government"? Why did Krauch and Schmitz and Schnitzler and Ter Meer and the other leading defendants swing their empire solidly into line with Hitler and Goering, and keep it in line even after the future became so clear to them? There are those who will say that it was all done for money, and no doubt the profit motive played its part, But it is hard to believe that greed alone could drive men to the decisions which these men took. Surely there were other purposes, some of them were even more deeply rooted.

Surveying the entire history of the gigantic and protean enterprise which these men and their predecessors controlled, it is hard to avoid the conclusion that these men were governed by the same unquenchable thirst for power that for years has gripped and distorted the minds of the military caste and many other leading Germans. The words of the deceased Carl Duisberg are not, of course, binding on these defendants, but Duisberg must have been a powerful influence on these men, and what he said illuminates the ethos of the enterprise to which

1. "Study of the FEA Drafting Committee on the Treatment of German Participation in International Cartels from the Standpoint of International Security," 10 October 1945, p. 2.

they dedicated their lives. From Duisberg's speeches to the Reich Association of German Industry, between 1925 to 1930, we have selected a few excerpts:

In 1925 -

Be united, united, united! This should be the uninterrupted call to the parties in the big house, the Reichstag, as well as in the small one, the Landtag. We hope that our words of today will work, and will find the strong man -- for he is always necessary for we Germans, as we have seen in the case of Bismarck...

Again in 1925 -

Gentlemen! You may believe me when I say that nobody willingly admits the weakness of his country. Yet nevertheless I consider myself dut bound to tell everyone at all times, at home and abroad: Let us admit it, war is impossible for Germany. We are disarmed.....But back to deeds. Gentlemen! Germany was made great and mighty by her deeds in peace. The whole world knew her, and the whole world must come to know her again. We must reconstruct on the basis of existing conditions, hard as this is. Let us get rid of the very German "if". Let us work!

1926 -

If Germany is again to be great, all classes of our people must come to the realization that leaders, the German word is (Fuehrer) are necessary who can act without concern for the caprices of the masses.....It is to be hoped that there will be found in Germany the necessary number of such personalities, who will be the leaders of their nation. Only then will she rise from deepest misery to her former greatness.

1928:-

One thing is certain: No matter what the decision may be, we will not be spared heavy payments since our fatherland's lack of might makes all resistance appear hopeless. Here, too, the words

of the great Prussian King are true: "Policy without might is a concert without instruments".

The revolution put in the place of the constitutional form of government, with its permanent representative character, in which a well-trained and expert officialdom attempted to solve the problems of the State from the point of view of the common good, a people's State characterized by an emphatic party rule.

And finally in 1930 -

While previously for the most the pa... the economy experienced strictly objective treatment of its affairs, and thus had no occasion to undertake active intervention in politics itself, this circumstance was greatly changed after the upheaval. And referring to the Weimar Republic and its creation the final decision in economic matters was, as in all modern democracies of the world, placed in the hands of the masses, which were neither expert nor able to become expert in economic matters, and furthermore are not prepared to bear the responsibility for those decisions whose results they meet at first hand. The overwhelming and determining influence of worker masses organized in unions, mostly with a socialistic and class war ideology, drive economic decision which are to be made by the State or its organs out of the sphere of objective judgment onto the political platform,.... I am more than ever convinced that business must commence with all its power to make its influence felt in those circles which belong to German enterprise, namely in the great creation and regrouping of the modern working citizenship with a positive attitude towards the State. It is necessary to fight through active political work for the realization and consideration of economic necessities in political decisions.

These words were spoken before most of us had even heard of Hitler. It is certainly not in Hitler's style, but, almost without exception, the thoughts are exceedingly parallel to those of Hitler's speech to the industrialists three years later. Hitler was the "strong man" who would take economic affairs out of "the hands of the masses", restore Germany's "might", and rid her of the shame of "admitting" that "war is impossible for Germany".

Nearly a decade after the last of the above paragraphs was written by Duisberg, in April 1939, the defendant Krauch submitted a "work report" as "the Plenipotentiary General of Minister President General Fieldmarshal Goering for Special Questions of Chemical Production". Bohemia and Moravia had just been conquered by threats and occupied by armed force; the Sudetenland and Austria had passed into recent history. German "might had been restored; war was not only possible for Germany, but all of Europe

lay shuddering under the German terror. A Fuehrer totally lacking in "concern for the caprices of the masses" or for the principles of common decency and humanity had arisen and the "worker masses" no longer had the slightest voice in the solution of "economic matters." The conclusion to Krauch's report is nothing more than the logical extension of the ideas which Duisberg had given voice to a decade earlier; Krauch is less philosophical, but terribly practical:

"When on 30 June 1938, the objective of the increased production in the spheres of work discussed here was given by the Field Marshal, it seemed as if the political leadership could determine independently the timing and extent of the political revolution in Europe and could avoid a rupture with a group of powers under the leadership of Great Britain. Since March of this year, there is no longer any doubt that this hypothesis does not exist any more. The economic war against the anti-komintern powers under the leadership of Great Britain, France, and the USA, which has already been conducted secretly for a long time, has now been finally opened; as time passes, it will become more and more severe.

"At Wilhelmshaven, the Fuehrer expressed his determination not to remain passive in view of this policy of encirclement which for the time being is economic and political but is aiming ultimately at military isolation.

"I am of the opinion that from this decision the necessary conclusions will have to be drawn without delay for the economic sphere of the chemical industry as well. The following is a general outline:

"Formation of a uniform major economic bloc of the four European anti-comintern partners, which Yugoslavia and Bulgaria will soon have to join.

"Within this bloc there must be a building up and direction of the military economic system from the point of view of defensive warfare by the coalition.

"The bloc must extend its influence to Roumania, Turkey and Iran. The German-Roumanian political treaty will serve as a suitable example of the methods to be applied for the gaining of influence.

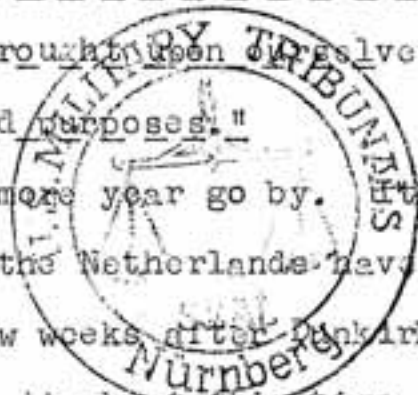
"The great importance of extending commercial relations with Russia is stressed by the gradual relocation of the German economic and export centers to the East and by the compelling necessity of utilizing the Ukraine for iron in case of war.

"By the policy of encirclement manifested by the enemy, a new situation is created:

"It is essential for Germany to strengthen its own war potential as well as that of its allies to such an extent that the coalition is equal to the efforts of practically the rest of the world. This can be achieved only by new, strong and combined efforts by all of the allies, and by expanding and improving the greater economic domain, corresponding to the improved raw material basis of the coalition, peaceably at first, to the Balkans and Spain.

"If action does not follow upon these thoughts with the greatest possible speed, all sacrifices of blood in the next war will not spare us the bitter end which already once before we have brought upon ourselves owing to lack of foresight and fixed purposes."

We will let one more year go by. It is June 1940; Poland, Norway, Belgium, and the Netherlands have been conquered and occupied. It is a few weeks after Dunkirk, and France is about to capitulate. At about this time, the defendant



von Schnitzler summoned a meeting of the Farben Commercial Committee to agree upon the principles underlying what the defendants called the "New Order" (Neuordnung) for the chemical industry. Early in August, Farben presented this document to the Reich Minister of Economics. The report explained that a "major economic sphere" would soon be shaped in Europe which:

"Will, upon conclusion of the war have the task of organizing the exchange of goods with her major spheres in competitive markets -- a task which includes more particularly the recovery and securing of world respect for the German chemical industry."

The immediate objective of the "New Order" was to integrate European production with the German war machine. The long range objective was the incorporation of the chemical industry of Europe, including Great Britain, within the framework of German hegemony, and ultimately Farben's domination of the chemical industry of the world. The "New Order" was a careful plan for the use of Farben's economic weapons, cartels, investments and technical achievements to combat the last remaining challenge to its supremacy, the Western Hemisphere.

While Great Britain was not covered in detail in the "New Order", the Commercial Committee decided at a meeting on 12 November 1940, attended by the defendants von Schnitzler, Haefliger, Ilgner, Kuehne, von Knieriem, Kugler, Mann, Ter Meer, and Oster that, in anticipation of the conquest of Great Britain, immediate attention must be given to that country. They agreed:

"that the various sales combines and other offices concerned should work out the matter sufficiently in advance so that I.G. can express a comprehensive attitude as quickly as possible

at the proper time.

"The lists of the chemical industries of Great Britain now being prepared in the Economic Research Department should be given to Dr. Ter Meer and Dr. von Schnitzler for their opinion before being passed on."

The "New Order" was not hastily prepared; it was a complete exposition of projects which Farben had developed since World War I and hoped to accomplish through German aggrandizement. The "New Order" contains thousands of pages of specific programs for the chemical industries of Europe, including Great Britain. These detailed plans outlined the existing structure of the chemical industries of the European countries and set forth their future organization and direction. In many instances Farben planned to liquidate completely chemical companies and production in certain countries, making those countries wholly dependent upon the Reich and thereby securing Germany's military supremacy.

It was, in summary, a plan for the marshalling of the chemical industry of the continent of Europe, including Great Britain, to wage war against the world. It is a plan for the realization of the ideas of Duisberg and the predictions of Krauch. We need seek no farther for the motive in this case; it is all written down in these documents. They are written in the dispassionate language of science and commerce, but between the lines the smouldering hate and boundless ambition is easily discernable. These men wanted to make the world their own, and they were prepared to smash it if they could not have their way.

Your Honor, that concludes the presentation of evidence under Count 1, and Mr. Sprecher will continue with

Court EM of the Indictment.

MR. SPRECHER: COUNT TWO: PLUNDER AND SPOLIATION

The charges under Count Two of the indictment are based upon familiar and well-established principles of international criminal law, which are embodied in the Hague Conventions and other authoritative sources. Article II of Control Council Law No. 10 prescribes, under the definition of war crimes, the "plunder of public or private property", and in the definition of crimes against humanity it recognizes the criminality of inhumane acts and other offenses committed against civilian populations.

Germany's invasions and aggressive wars were destined to lead, and in fact resulted in, the complete ruin of national economy in the occupied countries. The Nazi government left no doubt about its ultimate goal, and the German industrialists, outstanding among them these defendants, furthered this policy and used it for their own ends. The sufferings connected with the war were thereby deliberately and criminally aggravated. Wholesale starvation of the population multiplied the number of casualties brought about by warfare. The International Military Tribunal, summing up its findings on plunder and spoliation, said in its decision:¹

"The evidence in this case has established that the territories occupied by Germany were exploited for the German war effort in the most ruthless way, without consideration of the local economy, and in consequence of deliberate design and policy. There was, in truth, a systematic "plunder of private and public property", which was criminal under Article 6 (b) of the Charter."

In the planning and execution of these crimes, Farben

1. Judgment of the International Military Tribunal,
Vol. 1. Trial of the Major War Criminals, p. 239.

played an important part. In approaching its special role in dealing with the chemical industry of the occupied countries, we will do well to underline again its versatility, its capacity to adjust itself to prevailing circumstances and to determine upon a skillful course which was satisfactory to the Nazi authorities and, at the same time, kept Farben in a position to hold and to expand its private industrial empire. The course of events shows that the Farben leaders knew when to strike at once and ruthlessly, as in the case of Poland, as well as when to wait until the totality of circumstances became more advantageous to Farben, as in the case of France. However, in each case we will find Farben prepared with a thorough analysis of the political, economic, and military situation and of the personalities involved, with a staff of experts ready for all eventualities, with cooperative Nazis in high places who could properly be approached at the propitious moment, and with dummies and liaison officers who could make approaches on its behalf when Farben itself, for the moment, desired to remain in the background. No moral or legal consideration of any kind were allowed to enter the picture. In Farben's mind the purpose of both war and plunder was to enrich Farben and to extend the German dominion and its own et percat mundus. Germany's aggressive wars were not supported and participated in by Farben just to stand idly by when the distribution of the spoils was made.

In outlining the evidence under Count One of the indictment, we have already described, in summary fashion, Farben's seizure and exploitation of the chemical industries of Austria and Czechoslovakia. These acts were part and

parcel of the invasion and occupation of Austria and Czechoslovakia and, as such, fall within the ambit of Count One. The same acts constituted war crimes and crimes against humanity, as is charged and set forth in Count Two.

For brevity's sake, we will confine ourselves at this time to a brief summary of the evidence in connection with plunder and spoliation in three other countries: Poland, France, and the Soviet Union. As is set forth in the indictment, Farben's criminal activities under Count Two were by no means confined to these three countries; Norway, Greece, and Yugoslavia, among others, were equally its victims. But the evidence with respect to these other countries may await its actual presentation during the trial.

A: Poland.

Poland had barely been subjugated when the German Reich created the "legal" basis for taking "title" to her public and private property by issuing, to this effect, a number of decrees. The "authority" of German agencies to "sequester" Polish property under these decrees had virtually no limits. Poland was called, by both the Nazi legislature and Farben officials, the "former Polish State". As to its property, the German Decree Concerning Sequestration of January 15, 1940, following other decrees similar in scope, enacted:

"The entire property of the former Polish State, tangible or intangible (together with all appurtenances), including all claims, participations, rights, and interests of any kind whatsoever, is put under sequestration."

And a modest second paragraph provided:

"Property so sequestered is hereby seized."

Another decree, dated September 17, 1940, repeating and supplementing other similar decrees, dealt with Polish Property in the Incorporated Territory (so-called Warthegau). It provided for the "sequestration" of property, and enacted:

"Sequestered property may be confiscated by the competent agency for the benefit of the German Reich if the public welfare, particularly the defense of the Reich or the strengthening of Germanism, so requires."

The agency referred to in decrees of this kind was the Main Trustee Office East (Haupttreuhandstelle Ost). The general policy under which this agency operated was described by the notorious Hans Frank, the Governor General of Poland, in the following words:

"On the 15th of September 1939, I received instructions to take over the administration of the Occupied Eastern Territories..., accompanied by special orders to exploit this field ruthlessly as a war territory and a land of booty, to turn it, so to speak, into a heap of ruins from the point of view of economic, social, cultural, and political structure...."

These practices flagrantly violated all known standards under the laws and customs of war limiting the permissible use of the resources of occupied countries. In this undisguised pillage, Farben was a full-fledged partner. We have already mentioned that in July 1939, two months before the outbreak of war, the defendant Ilgner's Berlin NW 7 office prepared a comprehensive report entitled: "The Most Important Chemical Plants in Poland", which formed the basis for Farben's plundering activities in Poland.

The three outstanding Polish enterprises in the chemical field were known as "Boruta", near Lodz, and "Wola" and "Winnica", both situated near Warsaw. All three produced

dyestuffs and other chemicals, and Boruta manufactured explosives as well. Boruta and Wola were old, well-established firms, and all three were members of the international dyestuffs cartel.

Even before Lodz, let alone Warsaw was conquered, the defendant von Schnitzler on September 7, 1939, only six days after the attack on Poland, called a Farben director named Schwab and asked him to prepare to take charge of the Polish dyestuff factories which, in all probability, would fall into German hands. The same day he requested Farben's Berlin office to contact the Reich Ministry of Economics. The defendant Haefliger at once visited the Ministry, informed it about the Polish factories, and asked for Farben's trusteeship. On September 14, 1939, the defendant von Schnitzler, together with Schwab, called on Dr. Mulert of the Ministry of Economics, and urged that Farben, and Farben alone, would be a proper "trustee" of Boruta, Wola, and Winnica. He argued that Boruta was most important to the war effort since 85% of Farben's production of aniline dyestuffs and their intermediates was being produced by Farben's western plants which were exposed to enemy air attacks; he also stressed that the Wola factory was owned by Jews, and that it should be closed, "since the plant has no importance to speak of as an independent enterprise". Operation of Boruta, however, should be continued on the largest possible scale.

On September 21, 1939, the two Farben directors, Schwab and Schoener, were elected trustees, their appointment providing that: "the enterprises have to be adapted to the requirements of the German war economy, and German exports to neutral countries." All this was just a first step.

What Farben was aiming at was the actual ownership of Boruta.

In November 1939, the defendant Wurster made an inspection trip through conquered Poland. His comprehensive report, addressed to the defendant Buergin, deals with ten Polish factories, among them Boruta, Wola, and Winnica. In most cases, the author reached the conclusion that the equipment and installations should be dismantled and brought to German Farben plants without delay. Lust for plunder went so far that the mere fact of a factory's existence sufficed for coveting it, even if it was not yet known to Farben by name or otherwise. At a meeting of Farben's Commercial Committee in October 1939, it was stated that a Farben lawyer named Deissmann:

"On his way back to Warsaw, will call at Posnan on the chief of the civil administration, in order to clarify the appointment of a trustee for the "biggest chemical industrial plant" located there - which plant is involved is not yet known."

To obtain their objectives in Poland, Farben had to win over the SS men who had descended like a plague on the wretched country. An SS colonel named Eichenbauer, who was a member of the Nitrogen Syndicate headed by the defendant Oster and thereby known to the Farben people, received a "particularly friendly" invitation from Farben and was instrumental in introducing the defendant von Schnitzler to SS- Brigadefuehrer Greifelt, of the Main Trustee Office East. After discussing the situation with Greifelt, von Schnitzler thanked him warmly "for his benevolence" and indicated that "if difficulties should arise, Farben, with confidence, would apply to him." Greifelt was a particularly unsavory character, whose lootings in Poland totalled

nearly a billion marks, and who subsequently played an important part in the kidnapping of Polish children to be brought up as Nazis under special SS tutelage. With Greifelt's assistance Farben got its way. Boruta, with all its movables and immovables, supplies, plants, promises, and buildings, was transferred to a corporation organized by Farben. Everything was taken over with one exception:

"Subsistence allowances, annuities and similar payments for which Boruta is responsible according to earlier contracts with employees or other agreements dating from Polish times, especially payments out of the so-called savings fund, will not be taken over by the purchaser. The purchaser is, however, prepared to pay out any annuities or other sums which may be due to persons of German race."

Contrary to the maxim of ancient Rome, Farben's motto was "combine and rule". In each conquered country, Farben endeavored to amalgamate the more valuable segments of its chemical industries into a single large combine, dominated by Farben, and to close down the rest altogether. In Poland, Farben recommended that Wola and Winnica should be stripped of such equipment as could be used for the German war effort, for removal to either Boruta or Farben plants in Germany. The factories themselves should thereafter lie idle. The Nazi authorities agreed. Winnica's installations and machinery were dismantled and part of them shipped to Ludwigshafen, and parts of Wola were also transferred to Farben plants in Germany.

The defendant Wurster, in his report to Farben in November 1939, stressed the fact that the owners of Wola were three "gentlemen" (the quotation marks are Wurster's) named Szpilfogel, Goldfisch, and Augenblick, all three of whom were Jewish. So far, we have talked about spoliation

in terms of factories and machines, but we must not overlook the fact that these factories were owned and operated by human beings. What happened to Mr. Szpilfogel when Farben closed down his factory, and how was he treated?

Mr. Szpilfogel has been described by a Farben director as: "a man of calibre who, for the first time, introduced naphthal dyestuffs in Poland. He was, no doubt, a highly respected personality". Soon after the capture of Warsaw, the two Farben "trustees", Schwab and Schoener, called on him and sequestered all his dyestuffs. They also informed him that his house in Warsaw and his country estates at Wola and Otwock were included in the sequestration, and from now on were under the control of Farben. They confiscated his automobiles and forbade him to use anything in any of his houses.

Schwab and Schoener forced Szpilfogel to move, with his family, into a small apartment in one of his own houses and pay a monthly rent to Farben. For a short time, they allowed him a trifling allowance from the Wola properties, but eventually even this was stopped.

In 1940, the Germans established the infamous Warsaw ghetto, and in November Szpilfogel and his family were forced to move to the ghetto. Szpilfogel, through the international dyestuffs cartel of which his firm had been a member, was personally acquainted with the defendant von Schnitzler and other Farben officials. In January, 1941, from the ghetto he sent a despairing letter to von Schnitzler, in part as follows:

"Your kindness, with which I am familiar, encourages me to contact you with the request that I be permitted to move with my family to an appropriate apartment at my residence and place of birth, Wola, near Poprikau, and to

obtain permission to work in the industrial plant Wola, of which I am a part owner, in order to be able to exist. As my son is ill in a hospital, I respectfully request that it be rendered possible for him to receive regular monthly payments on his credit account with the chemical factory Wola. The same for my daughter Hanna, who has a substantial credit with the chemical factory Wola. Hoping that you, dear sir, will conform to my wishes,"

The defendant von Schnitzler returned Szpilfogel's plea to Schwab, commenting:

"Dr. M. Szpilfogel has sent me the enclosed letter, dated 16 January. I am sending you the original text. It goes without saying that nothing can be done from here in this matter. What you can do in your capacity as trustee of Wola, I don't know. This constitutes a part of the duties which fall to you as a result of your appointment as trustee. I must therefore leave it entirely to you to do what you see fit in this matter; I refrain from taking any position on my part. You will be good enough to advise Dr. Szpilfogel directly of your decision. With kind regards, and Heil Hitler,"

(Signed) "Schnitzler"

Szpilfogel never received any answer to his letter. He remained in the ghetto until the end of July 1942. In the meantime, the Germans had begun the liquidation of the Jews in the ghetto; they would order the inhabitants of houses or blocks to assemble in the street, where they were loaded into trucks and carried off to Treblinka, or one of the other extermination camps. Szpilfogel's turn came in July 1942, but he managed to slip away and hid himself. By the kindness and courage of his former concierge, he ultimately escaped from the ghetto and survived the German

occupation. His son, his son-in-law, his sister, two of his brothers with their entire families, and all four of his wife's brothers and sisters, were murdered in the ghetto.

B. The Soviet Union

One of the "guiding Principles for Economic Operations in the Newly Occupied Eastern Territories", promulgated as soon as the attack on the Soviet Union started, provided that "in accordance with the command given by the Fuehrer all measures are to be taken which are necessary to bring about the immediate and highest possible exploitation of the territories in favor of Germany". The regulations of the Hague Convention of 1907, to which Germany was a part, were openly disregarded "since the U.S.S.R. is to be considered dissolved". Soviet resources were to be exploited most ruthlessly even "if many millions of people are starved to death".

The defendants were active members of, and participants in the plan to strip Russia of her resources on a scale unprecedented in modern history. Farben accepted as a matter of course that the German Reich is "successor to former Soviet State property", and it directed its efforts from the very start towards sharing the spoils to the greatest possible extent. This aim was not easily attained. The Nazi government was resolved, at least in the beginning to reserve the spoils for SS and combat veterans. Contrary to the case of Poland, therefore, it did not give the "trusteeship" of Russian enterprises to German industrialists; instead, it organized so-called "Monopoly" or "East" corporations which were charged with "protecting" the Russian plants. Farben, therefore, tried to get as big a share in these Monopoly corporations as possible, and to place its employees in key positions.

Of course, mere participation in the "Monopoly" corporations was not satisfactory to Farben. At least in its own field, particularly in the field of synthetic rubber, Farben wanted to become the exclusive master. That the "dissolved" Soviet Union was to be entirely excluded from its own buna factories, its supplies, and installations, was a foregone conclusion. Circular letters were sent by the defendant, Ambros to the Farben employees who were selected to exploit the Russian buna plants. The first circular letter, of July 1, 1941, said:

"It is intended that, when your assignment for Russia comes about, a commission consisting of Wulff, Biedenkopf and myself, will go to Russia; there to establish with you the question of using Russian plants for the production of certain types of buna or their primary products, in order to utilize also the Russian production for our purposes as soon as possible."

Farben employees who, vested with official authority as "Sonderführer" (special leaders) were to take over the Russian buna plants first temporarily and then "definitely", were appointed by Ambros. Such was Farben's zeal and precipitancy that their emissaries even surpassed the speed of the German Army. Farben's employee Eilers reported on the failure of a mission. He had to return from Voronezh "not having accomplished anything; it was impossible for him to approach the factory at Voronezh since that plant had not yet fallen to the Germans". Farben prepared lists of all Russian plants for buna, plastics, and dyes, including plants in Georgia, Armenia, and Western Siberia. Farben Director Borgwardt sent these lists, on January 14, 1942, to the selected Farben representatives, saying:

"I advise you to be on the alert when the places set

forth in the enclosure are occupied by German troops, so that we can then contact, at once, the German authorities having jurisdiction."

In October 1941, at a conference with Dr. Ungewitter, it was agreed that "protection" of the Russian buna plants would be transferred by the Reich to Farben. It was more difficult to get a preemptive right to the effect that, if the German government should decide to sell the plants, Farben would have the first refusal. In December 1941, the Reich Ministry of Economics agreed in principle to Farben's preemptive right. The main difficulty was Farben's request for the exclusive right of using Russian processes and know-how within Germany. In this respect the government was stubborn. Farben, however, was not easily discouraged. Though usually diplomatic in its official intercourse with the Nazi authorities, Farben used blunt language in a letter to the Reich Ministry of Economics, signed by the defendant Ambros, setting forth the objections to the Reich's invasion of Farben's domain:

"As you well know, Farben started to develop the manufacturing of buna at a very considerable expense of labor and money, and at the risk of private funds, in providing additional facilities for the manufacture of buna, to such an extent that the total amount of rubber requested by the German army and German economic demands during the war could be supplied by the company. In view of the services so rendered by Farben to the Reich, we do not think it fair for the Reich to now go into competition with Farben in Germany over the utilization of manufacturing processes taken from Soviet Russia, especially since these processes could not be of any use to the Reich unless Farben experts are made available to the Reich."

In this letter Farben, with all clarity, revealed the trumps it held. By taking the initiative and risking its own funds, it had rendered immeasurable service to the German war machine, and it could afford to remain adamant since the Nazi government was completely dependent on Farben's cooperation. As Albert Speer explained in a letter to Himmler in July 1944:

I do, however, regret that in the course of the Four Year Plan, no competitive firm to the I. G. Farben concern was established, as in the case of the Hermann Goering Works. This would have been easily possible at the time when the numerous new plants of the Four Year Plan were established. Nowadays, we depend entirely upon the work of I.G. Farben for chemical progress."

C. France

In 1940, envisaging the defeat of France, Farben's plans for enlarging its empire went beyond preparations . . . reaping the spoils of each individual aggression. We have already described the "New Order" for the chemical industry, which Farben developed between June and August, 1940.

The "New Order" document embodied Farben's plans with respect to the French chemical industry. The three principal French enterprises in the dyestuffs field — Kuhlmann, St. Clair du Rhone, and S_t. Denis — were to be consolidated. The smaller French factories were to be closed down. A new combine of the large firms was to be formed, which was later on called "Francolor".

The German spoliation in the West differed from the Eastern scheme in the methods used but not in the ultimate goal. What both the Nazi government and Farben aimed at was complete subjugation of French industry and the widest possible use of its facilities for the German war machine. In the case of France, the pretense of an orderly procedure was to be observed, since the official catchword was "collaboration".

The identity of purpose, however, clearly appears from official German orders not destined for publication abroad. Under the heading "Systematic Exploitation of the Economy of the Occupied Western Territories for the German War Economy", Goering decreed, on August 6, 1940:

"It is a necessity of high political importance that the capacities and raw materials in the occupied Western Territories shall be employed

systematically and to the extent in order to help the German war production and to raise the war potential for the fulfillment of the demands to be made in the interest of further warfare. The High Command of the Armed Forces (OKW) and the Reich Minister of Weapons and Ammunition have already published the directives necessary in this connection."

As far as German industry is concerned, its greed, even before Franco had signed the Armistice, was such that Goering, on June 20, 1940, deemed it necessary to order:

"The endeavor of the German industry to take over new enterprises in the occupied territory, must be rejected in the sharpest manner."

But when it was decided to plunder under the cloak of "collaboration", German industry was invited - and gladly accepted the invitation - to play its part. Defendant Wurster reported on "very interesting" directives given by Ministerialdirektor Schlotterer, "one of the most competent personalities in the Reich Ministry of Economics", before the Council of the Reichsgruppe Industrie, according to which Schlotterer was strongly in favor of German industry penetrating the industry of France and other occupied countries:

"You may have any amount you desire... The essential thing for us is that you do penetrate, and that, in this way, we secure our influence in the countries involved."

In subjugating the French chemical industry, Farben acted in closest cooperation with, but by no means under the leadership of, the Nazi government. The initiative was Farben's. Farben drafted the plan to eliminate French competition once and for all, to become master in the French house, to prohibit French exports, and, despite all that, to maintain the pretense of a voluntary contract with mutual rights and duties. The Nazi government had favorably received Farben's "New Order" plan, and from then on gave its support but no instructions. As defendant Kugler put it, Farben regarded negotiations with the French:

.....as a matter which concerned Farben, and in which the support of the German government was certainly desired, but in which we needed neither directives nor advice from the government.

Farben's scheme, briefly, was to show "historically" that its predecessor firms were unfairly damaged by both the Treaty of Versailles and the attitude taken by the French chemical industry. Those damages should now be fully repaired. Obviously, Farben felt that there "reason" might not sound too convincing to the French, and accordingly it decided to put them in such a position that they had no alternative but to accept. One device was to delay the discussions as long as was asked for by the French and to use the interim period to "starve out" the French chemical industry. After the statistics, it became a vital necessity for the French nation and its industry that the occupied part could export to the unoccupied part, and import from it in turn. Exports and imports of this kind depended on licenses to be granted or rejected by the German Military Governor in France. Farben was able to arrange that such licenses would be refused. By such devices Farben hoped to make the French more pliable or, as the defendants at that time cynically called it, "ripe for negotiations".

When this stage of "ripeness" seemed to be reached, the defendants von Schnitzler, Tor Meer, and Kugler met the French industrialists at Wiesbaden on November 21, 1940. The stenographic report of the meeting shows that the French were treated in the most ruthless way, and that they were faced with the alternative of either accepting Farben's dictate or not surviving at all. The French did what they could under the circumstances. They protracted negotiations, they applied to their government for support, and they tried to contact defendant von Schnitzler personally in order to obtain easier terms. It was all in vain. Their main objection was to Farben's 51% participation in and consequent control of the new combine. But the pressure exercised by Farben was such that the French government itself finally advised the

industrialists to give in. One year after the Wiesbaden meeting, the Francolor agreement was signed under which the French chemical industry lost its independence and became a subsidiary of Farben. Terrorized though they were, the French industrialists insisted upon inserting a preamble to the Francolor agreement by which they made it clear that they did not sign the agreement of their own volition.

As to the results, the defendant Ter Meer could proudly report:

"In the field of dyestuffs and auxiliary products, the French will be confined, under the contract, to the French market, and to exports to Belgium and Spain; but that they are eliminated as competitors in the dyestuffs field in all other markets."

Or, as the defendant von Schnitzler put it in his letter to the French government, the "basic fundamental idea" was that "in principle, no export of Francolor is allowed to take place". In return, Francolor was granted decisive assistance by giving it, in the field of intermediates, orders for the German army requirements.

While the defendants von Schnitzler, Ter Meer, Kugler and others were busy subjugating the French dyestuffs industry, the defendant Mann, head of Farben's pharmaceutical sales department, coveted the French pharmaceutical combine, known as "Rhône-Poulenc".

In this instance, it was the same theme with different variations. One transparent device and crude threat after another was used. We will not burden the Tribunal at this time with the details of the "negotiations". Ultimately Rhône-Poulenc was forced to conduct a substantial part of its marketing through a sales company in which Farben, in its own name, held a 49% interest, and a French nominee of Farben held another 2%, which gave Farben control. In this instance, as in the others which will be shown by the evidence under Count Two of the indictment, Farben was both versatile and ruthless in achieving its criminal ends.

The presentation will be continued by the Deputy Chief of Counsel Mr. Du Bois.

MR. DUBOIS: COUNT THREE: SLAVERY AND MASS MURDER

Under Count Three of the indictment, the defendants are charged with crimes which are recognized as such not only under international law, but by the ordinary penal laws of all civilized nations. The Hague and Geneva Conventions contain numerous applicable provisions with respect to the treatment of prisoners of war and the civilian population of occupied countries. The definitions of "war crimes" and "crimes against humanity" in Article II of Control Council Law No. 10, specifically prescribe "murder, ill treatment or deportation to slave labor or for any other purpose; of civilian populations from occupied territories murder or ill treatment of prisoners of war" and "extermination, enslavement, deportation, imprisonment" and "other inhumane acts committed against any civilian population, or persecution on political, racial, or religious grounds." The evidence under this Count relates primarily to the use and abuse of prisoners of war, the enslavement and deportation to slave labor and mistreatment of many thousands of civilians in the countries occupied by Germany, the conducting of atrocious medical experiments upon enslaved persons without their consent, and the extermination of slave workers who had been used up and were no longer of value as laborers.

A. Farben and the Slave Labor Program

The slave labor program of the Third Reich was the revolting offspring of the aggressive wars which it planned and waged. It was designed to keep the German war machine rolling at the frightful expense of the freedom and lives of millions of persons. The tyranny and brutality of Nazi conquest was felt by them not only in their own homelands of France, Belgium, Holland, Russia, Poland, Czechoslovakia, Denmark, and elsewhere. Hundreds of thousands suffered the additional misery of being torn loose from homes and families and shipped to Germany into slavery and more than often to a miserable and premature death.

The story of the slave labor program was unfolded before the international Military Tribunal, and its Judgment established its essential facts and deep criminality beyond question. In the Judgment, it is stated: 1

1. Judgment of the International Military Tribunal Vol. I
Trial of the Major War Criminals, p. 245

.....the conscription of labor was accomplished in many cases by drastic and violent methods. The "mistakes and blunders" were on a very large scale. Manhunts took place in the streets, at motion picture houses, even at churches, and at night in private houses. Houses were sometimes burnt down, and the families taken as hostages, practices which were described by the defendant Rosenberg as having their origin "in the blackest periods of the slave trade". The methods used in obtaining forced labor from the Ukraine appear from an order issued to fifty offices which stated: "It will not be possible always to refrain from using force.....when searching villages, especially when it has been necessary to burn down a village, the whole population will be put at the disposal of the Commissioner by force.....as a rule, no more children will be shot.....If we limit harsh measures through the above order for the time being, it is only done for the following reason.....The most important thing is the recruitment of workers."

Fritz Sauckel, Hitler's Labor Plenipotentiary, stated that "out of the five million workers who arrived in Germany, not even 200,000 came voluntarily". The degrading manner in which the enslaved victims were treated is well epitomized by Sauckel's instructions of 20 April 1943:

All the men must be fed, sheltered and treated in such a way as to exploit them to the highest possible extent, at the lowest conceivable degree of expenditure.

And Himmler, in his notorious speech at Posen in October, 1943, said:

"Whether ten thousand Russian females fall down from exhaustion while digging an anti-tank ditch interests me only insofar as the anti-tank ditch for Germany is finished.....We must realize that we have six or seven million foreigners in Germany.....They are none of them dangerous so long as we take severe measures at the merest trifles."

The defendants, through the instrumentality of Farben and otherwise, not only knowingly participated in the employment of foreign slave labor, but were aggressive in its procurement. For example, Sauckel, who

assumed office in March, 1942, said:

"I had considerable difficulty when I assumed office in putting a stop to wild recruiting and the understandable independent measures taken by individual large industries or individual large plants such as I. G. Farben to recruit foreign workers."

As early as September, 1940 numerous foreigners and prisoners of war had already been enslaved in the Farben plants. At Ludwigshafen, for example, of the 10,000 additional workers taken on during the first year of the war, 5,000 were foreigners and prisoners of war. At Dornagen special regulations had already been issued governing the "conduct" of the Polish civilian workers.

Eight months prior to Sauckel's remark about "wild recruiting", Farben's policy had been stated by the defendant Schnitz, the chairman of the Vorstand:

"The Works must direct their efforts to obtaining the required workers; through foreign workers and prisoners of war, the requirement could in general be covered."

Again on 30 May 1942, three months after Sauckel took office, Schnitz said:

"The shortage of workers, particularly the skilled workers, had to be made up for by working long hours, the employment of women, foreigners and prisoners of war."

Farben's motto was "production at any cost". Schnitz's order that the Works must endeavor to obtain the required workers among foreigners was aggressively pursued. Farben representatives were sent into all occupied countries to procure workers. As late as March 1943, the Reich Economic Minister was writing Farben for suggestions. Even in this slave traffic, Farben lived up to its traditional reputation for leadership.

The defendant Krauch, as General Plenipotentiary for Special Questions of Chemical Production in the Four Year Plan, was the highest

authority for passing on allocations of labor for the chemical industry, including foreign labor, concentration camp labor, and prisoners of war. Krauch, with the aid of the other defendants, prepared the organization and details of the plans of the chemical industry for war mobilization. These plans included provision for the procurement and exploitation of compulsory labor of all types.

On the policy level, the Farben Vorstand "delegated" overall responsibility for the welfare of its laborers in all its plants to the defendant Christian Schneider as Chief of Plant Leaders. In formulating policy decisions, Schneider consulted with the various plant leaders and reported to the Vorstand. Not a single case has been found in which the Vorstand disagreed with Schneider's recommendations.

In the countries of Western Europe, an effort was made to keep up the pretense of voluntary recruitment, through the subterfuge of having a person selected for work in Germany sign a contract. Persons who refused to sign were forced to come to Germany anyhow through the knowledge that their ration cards would be taken away, or that they would be denied work in their homeland or, if they ran away, that reprisals would be taken against members of their families. Those who came, whether or not they signed contracts, were in effect slaves in the Farben plants. They were not free to change jobs nor could they go home when they pleased, they did not have freedom of movement, and if they escaped or did not return from leave they were reported by Farben to the Gestapo, which hunted them down and returned them to the Farben plants.

A mimeographed circular letter dated 9 August 1943, from the Defendant Krauch addressed to all plant construction and building offices, outlines measures to bring back French workers who had been recruited and who had escaped. Another example is a letter from the Military Commander in Paris to Dynamit-Nobel, advising that a worker who had broken his contract and had not returned to the plant had been arrested and transferred by "special transport" to the labor office.

These are samples of the so-called "voluntary" employment of western workers.

Farben was ruthless, but it was successful. In 1941, it already had assigned to it 10,000 slave laborers. In 1942, according to Farben figures, the figure rose to 22,000 in 1943 to 58,000, in 1944 to 85,000, and by 1945 it had passed the 100,000 mark. These figures represent only the number of slave workers in Farben plants at any given time and do not reflect the tremendous turnover. The unfortunate victims who obtained their release through death or "exile" are not considered in the above figures.

B. Farben at Auschwitz

Although Nazi concentration camps had been notorious for some time, the civilized world was shocked anew when it became clear during 1942 that Hitler was actually carrying out his oft-repeated intention to exterminate the Jewish people of Europe. In December, a joint statement was issued by the United States and the European members of the United Nations calling attention to and denouncing this blackest of all crimes. In March 1943, a concurrent resolution of the Senate and House of Representatives of the United States Congress condemned the slaughter of the Jews in Europe and promised punishment to those directly or indirectly responsible for these criminal acts.

Various international conferences were held to decide upon ways and means to stop the slaughter. Intergovernmental Committees were created to take action and in the United States, the President created a special Cabinet Board, the War Refugee Board, charged with the responsibility of taking all action consistent with the successful prosecution of the war to rescue the victims of Nazi oppression. By short-wave broadcasts, by pamphlets dropped over Germany from the air, and by many other means, the determination of the civilized world to punish all participants in these acts of savagery was made clear to the German nation.

The terrible story of Auschwitz, in great detail, including reference to the "buna" plant and the Birkenau gas chambers and giving figures concerning the size of Jewish convoys and the numbers of inmates who died at Auschwitz, was received by the United States War Refugee Board and made public in November, 1944. This was not the first time, of course, that the world had heard of Auschwitz. What was happening there had been known for some time. But this was the first time that so much detail, including particularly the involvement of industrial firms in the Auschwitz program, was made public.

The main camp of Auschwitz (Auschwitz I) was built towards the end of 1940 in a suburb of Oswiecim, Poland, for 25,000 people. Camp II Auschwitz Birkenau, built in 1941, held 86,000. It was divided into two camps, one for male inmates designed to house 45,000, and one for 40,000 women. Auschwitz Camp III, called Monowitz, which will be described in detail at a later point, was built on the I. G. Farben site and held 10,000 inmates. Thus the concentration camps were built to house 135,000 concentration camp inmates. Actually 500,000 were housed there.

In the latter part of 1940, the defendants decided to build a fourth buna factory, and thought it wise to locate the new plant in the east. It was a gigantic project; the plans called for an investment of nearly a quarter of a billion dollars, which was a lot of money even for Farben.

The defendants Ter Meer and Ambros, in consultation with the Reich Economics Ministry, agreed to develop the plans, and in January 1941, the defendant Ambros, who had been commissioned to survey Poland for a suitable site, was shown Auschwitz. In February 1941, Ambros described in detail, to Krauch and Ter Meer, the results of his investigations, and suggested Auschwitz as a location for the plant. The notes of the meeting state:

"It is being considered to get in touch with Reichsfuehrer-SS Himmler regarding the settlement of German workers in Auschwitz as soon

as the initial planning for the buna factory has been clarified."

In his report to Krauch and Ter Meer, Ambros had made special mention that the projected plant would be adjacent to the Auschwitz concentration camp, and had pointed out that the availability of inmates of the camp as laborers would be advantageous. Thereafter, the matter was taken up at a meeting of the Farben Technical Committee of 19 March 1941 at which Ambros described the program. On 25 April 1941, the Auschwitz project was approved by the Farben Vorstand, after reports by the defendants Ter Meer, Ambros, and Dauterbach.

In the meantime, Farben officials had been carrying on negotiations with Goering and Himmler with respect to the supply of the workers from the Auschwitz concentration camp. The defendant Krauch dealt with Goering, and the defendant Dauterbach with the SS. The selection of Dauterbach is of special interest; he was neither a buna specialist nor an expert in labor relations, but he held the rank of Obersturmbannführer (Lt. Col.) in the SS, and it was the SS which would control the furnishing of labor from the Auschwitz camp. Dauterbach was also a member of a small group of industrial leaders and SS officials, known as the "Friends of Himmler" or "Circle of Friends", through which a number of industrial leaders worked closely with the SS, not frequently, and regularly with its leaders, and furnished aid, advice, and financial support to the SS. The industrialist members of the Circle were drawn from a number of the largest German business enterprises, including the Friedrich Flick combine, the Vereinigte Stahlwerke, the Dresdner Bank, and others. The group was sponsored by Himmler and included, among other high officials of the SS, Obergruppenführer (Lt. Gen.) Oswald Pohl, the Chief of the Main Economic and Administrative Department of the SS, which operated and controlled the concentration camps, including Auschwitz. In 1941, Farben made a contribution of 100,000 Reichsmarks to the "Himmler Circle" of which Dauterbach was an active member, and annual contributions in this amount were regularly made thereafter.

The result of the negotiations was a letter, dated 18 February 1947 from Hermann Goering to Heinrich Himmler entitled "Measures of Population policies for the Auschwitz Buna Plant in East Upper Silesia";

"I request that the following steps be taken in order to assure the supply of laborers and the billeting of these laborers needed for the construction of the Auschwitz Buna Plant in East Upper Silesia, which will commence in the beginning of April and which has to be carried out with the highest possible speed.

1. The Jews at Auschwitz and in the surrounding area must be quickly expelled especially for the purpose of clearing their lodgings in order to billet the construction workers of the Buna Plant.

2. Preliminary permission for the Poles in Auschwitz and the surrounding area who may be used as construction workers, to stay in their present lodgings until the termination of the construction works.

3. Availability of the largest possible number of skilled and unskilled construction workers from the adjoining concentration camp for the construction of the Buna Plant. The total requirement for construction and fitting workers will be 8,000 to 12,000 men, on the construction lot, according to the speed of work which can be reached.

I request you to inform me as soon as possible about the orders which you will issue jointly in this matter with the GG-Chemie."

The word "GG-Chemie" at the end of the letter is the German designation for the office held by the defendant Krauch. In the meantime, negotiations with the SS for labor supply from the camp were proceeding more than satisfactorily. The defendant Duerrfeld, the Director and Construction Manager of the Auschwitz plant, reported to Albrecht and other Farben officials late in March that he had talked to SS-Obergruppenfuehrer Karl Wolff, Himmler's personal adjutant, who had promised a first installment of 700 inmates, as well as an exchange of inmates amongst the several SS concentration camps so that the skilled labor would be drawn to Auschwitz. A week later, Duerrfeld reported on ex-

tensive discussions with the SS camp leader at Auschwitz, the notorious
Rudolf Hoess,

who had shown himself "very willing to be of assistance to the best of his ability" and who had promised 1,500 workers during 1941 and more than double that amount for 1942.

On 7 April, a meeting took place at Kattowice, a large Polish industrial city near Auschwitz, and the plant was formally "founded". The defendants Ambros, Buetefisch and Duerrfeld were present. Ambros acted as master of ceremonies and commented that: "By reason of an order of the Reichsfuehrer-SS, far-reaching support is being furnished during the building period by the concentration camp of Auschwitz. The camp commander, Sturmbrunfuhrer Neess, has already started preparations for the utilization of his laborers". Ambros forwarded to the defendants Ter Meer various notes on these meetings with a letter stating:

"Our newfriendship with the SS shows gratifying effects. On the occasion of a supper given for us, at which the commandant of the concentration camp was our host, we established all measures concerning the use of the really excellent organization of the concentration camp for the benefit of the new plant.

Later on, Himmler himself visited the Farben plant at Auschwitz and gave a special order to Hoess to make ten thousand inmates available and to give Farben priority over all other industrial organizations in the region. Consturction of the plant proceeded, hampered by the lack of accommodations and facilities in the region and the low work output of the starved and terrorized inmates of the camp. The SS herded them to and from the plant, and Farben paid the SS for their "services".

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In October 1941, at a meeting attended by the defendants Ambros and Buotefisch, Duerrfeld reported that: "under present conditions, the utilization of prisoners can not be increased. The fencing-in of the plant area has been started and its completion is the prerequisite for increased utilization of prisoners....The prisoners arrive too late at the construction site and they are going back too early. In case of fog guarding them causes difficulty. The work output amounts to about two meters of soil moved per man per day."

Farben's sense of efficiency was outraged, and it decided to build its own concentration camp close to the plant site to house the inmates assigned to its construction. Farben, through the Technical Committee and the Vorstand, approved approximately 5,000,000 Reichsmarks for the construction of the Concentration Camp Monowitz - Farben's own concentration camp built on its own factory grounds. In the true tradition of concentration camps, Monowitz was surrounded with electrically charged barbed wires, watch towers, SS guards, etc. The inmates living at Concentration Camp Monowitz worked solely for Farben in the construction and operation of A. G. Auschwitz. The saving of time lost in transportation of inmates to and from work was a good investment.

The significance of these events can be better appreciated after a brief glance at the Auschwitz concentration camp itself during this period. Auschwitz was no longer just another concentration camp where victims were starved and abused. It had become a very special type of camp. In June 1941, about two months

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after the "founding" of the Farben Auschwitz buna plant, Himmler himself directed the camp commander, Hoess, to commence the extermination of the Jews confined at Auschwitz. In August 1941, the use of a lethal gas known as Zyklon B was tried experimentally on a group of Russian Officers at Auschwitz; the method proved highly successful and Hoess proceeded to exploit it. This decision made Hoess famous as the most monstrous mass murderer in history. Special gas chambers were erected at Birkenau and a series of crematoria were constructed to take care of the corpses. Hoess himself estimated that at least 2,500,000 Auschwitz inmates were executed in the gas chambers and exterminated in the crematoria, and that another half million inmates died from starvation or disease. He added that the total of three million represented about 70 or 80 percent of all the persons who came to Auschwitz, and that the remainder were picked out and used as slave workers for the industries located near the camp. Other estimates of the total deaths at Auschwitz run as high as four million persons; it is clear that the rate of extermination during the years 1941 to 1944 was between 75,000 and 100,000 persons every month.

We will spare the Tribunal at this time further details about the tortures and murders which were in progress at the Auschwitz camp while the Farben buna plant was being built. The defendant Duerrfeld was at the construction site throughout most of this period, he reported regularly to his superiors Ambros and Buchtofisch, and a number of the defendants visited the Auschwitz project on many or several occasions. What

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was going on at the camp was a common topic of conversation in Auschwitz and at the factory, was well-known to everyone in the vicinity, and could not help coming into the knowledge of any man of normal perception who visited the place. Quite apart from the extermination program, the physical appearance of the inmates was ghastly beyond belief. Among the thousands of persons who were brought to Auschwitz to work as construction labor on the Farben plant was a group of about twelve hundred British prisoners, who were held at a small prisoner-of-war camp near the Auschwitz plant. Several of these British soldiers will tell the Tribunal, in due course, what they saw and learned at Auschwitz, and from their testimony and other evidence it will clearly appear that the story of Auschwitz, as we now know it, was known to many, if not all, of these defendants much earlier, and that the sights and odors of Auschwitz were readily perceptible at the Farben plant.

As the tens of thousands of unfortunate Jews of Norway, Holland, Hungary, France, Poland and Greece were herded into Auschwitz, more than sixty percent were determined to be unfit for work and were "selected" for immediate gassing. From the remaining forty percent, the best labor was given to I.G. Auschwitz. In spite of the careful "selection", the life span of an inmate coming to I.G. Farben Auschwitz was approximately three months. A group of Norwegians, each weighing between 160 and 190 pounds, were assigned to I.G. Auschwitz in 1942. After six weeks only 10% of this group were still alive. The rest of them had died of exhaustion and the ones that remained alive weighed less than 90 pounds.

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In two months all were dead.

Inmates who had never performed any hard physical labor were forced to carry in double time hundred pound cement sacks and when they broke down, they were beaten or kicked by kapos and I.G. foremen. Those who could no longer get up were left lying on the ground where they fell, and only in the evening after the working day was finished, were their fellow workers permitted to carry them back to Monowitz. Many of these being carried were no longer alive, but even corpses had to be returned for roll call. Such death caravans were a daily sight at I.G. Auschwitz.

The mortality was extremely high. "From the evidence it can be estimated conservatively that Farben's concentration camp Monowitz and Farben's Buna plant together took the lives of 25,000 persons. The appalling significance of this figure can only be understood when it is known that Farben's employment of inmates never exceeded 10,000 and the average was somewhere between 5,000 and 7,000. In other words, Farben inmates died at the rate of more than 100% each year.

Exhaustion, malnutrition, freezing for lack of clothing during open air work, and beatings were the principal causes of death. Of course there were other contributing causes. For example, at Monowitz there were only three hospital wards holding about three hundred beds in 1942 - sometimes with two and three patients in one bed. Conditions were so bad that the SS suggested that additional hospital wards be built. But the SS did not have the Farben problem of turning out the most work at the least cost, and Farben turned

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the request down on the grounds that I.G. Auschwitz did not have space in Monowitz for sick inmates, but only for healthy ones who were able to work. Later two additional wards were installed, but these were completely inadequate since by then there were 10,000 inmates at Monowitz. Because of Fardon's policy the hospital wards in Monowitz were used only to treat those inmates who could be cured and made fit for work again very quickly.

There were a number of interesting rules such as the "Five Percent" rule. No more than five percent of the total inmates were permitted to be sick at one time. If that percentage was exceeded, "selections" would take place to eliminate the excess. The excess were sent to Birkenau for gassing. Another rule was the "Fourteen Day" rule. Inmates were admitted to the hospital only if it was thought they could be cured and returned to work within fourteen days.

Thus, those who were worn out or otherwise unable to work because of sores, fractures or other slow-healing incapacities, were "selected" for gassing. Those who were "selected" were thrown on the truck and driven through I.G. Auschwitz on their way to extermination at Birkenau. Inmates who worked at I.G. Auschwitz worked under the constant threat, often repeated by the I.G. foremen and kapos, that if they did not work hard enough and well enough they would be gassed.

In addition to the kapos and foremen and guards provided by the SS, Fardon had its own espionage system within the camp for those inmates who didn't comply with

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all the rules. Those who violated the rules, such as being caught smoking or warming their hands during working hours, were reported to the SS for appropriate punishment. This punishment often consisted of beatings up to twenty-five double strokes. Full punishment was rarely given since in most cases the victim collapsed before the full twenty-five strokes were completed. The Farben management received reports showing the number of inmates working at the camp, the number of inmates being transported to a concentration camp at Auschwitz, the number of inmates confined in the hospital wards in Monowitz, and the number of inmates to be fed daily.

A hospital book from the SS records at the Monowitz concentration camp contains a record of Monowitz inmates who were cleared through the Farben hospital at Monowitz during the year 1943. According to these records, 15,000 inmates at the Monowitz concentration camp entered the Farben hospital during this year. The book shows the name of each inmate, the date he entered and the date he departed - dead or alive. Those who died in the hospital are identified by a cross in the column headed "remarks". 750 patients died in 11 months of 1943. Those who were dispatched from the hospital to Auschwitz or Birkenau are identified by the words "nach Auschwitz" and "nach Birkenau". This meant death by extermination in practically every case. "Nach Auschwitz" meant that they were sent to the main camp at Auschwitz because they were unfit to work at the Buna factory, it being notorious that any such inmates

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returned to Auschwitz would be sent in due course to the gas chambers. "Nach Barkenau" meant that the inmates were sent directly to the gas chambers. Over 2,500 inmates were dispatched from the hospital for extermination.

The true meaning of the foregoing figures can not be fully appreciated unless it is realized that only the healthiest and strongest of the millions that passed through Auschwitz were accepted at Monowitz and that the vast majority of "selections" for extermination were not made at the hospital but at the gates of the plant and in the barracks. These latter selections would be those no longer fit for work, so that only those who had an excellent chance for a quick recovery were even permitted to get into the hospital.

The same general attitude was displayed by Farben towards its own foreign slave laborers. In the minutes of the meeting of officials of I.G. Auschwitz, the labor situation is described as follows: "The Greeks allocated soon adequate.... Polish forced laborers were utilized only a few days a week, therefore, judgment not possible.... Ukrainian women very qualified for lifting on earth..." Farben's approach to the problem of sickness among its workers reveals its fundamental concept of the workers as mere tools. Even in the case of British prisoners of war, who were treated far better than any others, Farben's attitude was arbitrary and rigorous. Farben laid down the rule that only 3% of the total strength were permitted to be sick. Farben doctors regularly visited the British prisoner of war camp to review the decisions made by the British camp doctor as to those who were unfit to work. In perfunctory

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examinations averaging less than 30 seconds per man, they would decide that men who were already declared unfit by the British physician, were in fact fit. To enforce its order to work, Farben would bring Wehrmacht squads to the British camp, line up those whom the Farben doctor had declared fit, including many who were still confined to bed, and march them off to work under armed guard.

We think that any further description at this time would be unnecessary, and any effort at emphasis would be superfluous. The facts will be only too plain. In conclusion, we need only remind the Tribunal that in July 1943, when these things had been going on for over two years, the defendant Brauch snatched at Himmler's hint that the SS might "aid the expansion of another synthetic factory...in a similar way as was done at Auschwitz, by making available inmates" of Himmler's camps. Those who were "grateful" for the sponsorship and assistance of Himmler are fortunate that they are called to account in a court of law; their "sponsor" was accustomed to use very different methods.

C. Criminal Medical Experiments

In the field of scientific research, Farben's desires for dominance and control showed the same disregard for human life and human values as in other fields. With the advent of World War II, Farben recognized the great opportunity of expanding the use of chemicals in the treatment of disease. The masses of Russian prisoners of war, and countless inmates of Nazi concentration camps, were available as human subjects for experimentation with various Farben chemicals. It was not particularly important to Farben that many of their drugs had not previously been tested and that others were only in the laboratory stage. The supply of victims was endless.

In the field of pharmaceuticals, the defendant Hoorlein had overall supervision and control as well as final responsibility. All activities of the Farben plants involving pharmaceuticals were under his control, and it was Hoorlein who reported to the Vorstand. Apart from this, Hoorlein was charged with direct responsibility for the Pharmaceuticals Department of I.G. Farben, Leverkusen. The production of pharmaceuticals fell within the ambit of Sparte II, headed by TerMarr, and many of the plants producing drugs were in the Works Combine Main Valley, headed by Lautenschlaeger.

When, in December 1941, the SS and Wehrmacht decided to embark upon a series of typhus experiments in order to develop typhus vaccines, Farben was represented at the meeting by Professor Demnitz, the defendant Lautenschlaeger's subordinate at Farben's Harburg plant. Before this meeting, which ushered in the whole series of now notorious Buchenwald experiments, Farben was already involved in experimentation on concentration camp inmates and Russian prisoners of war. In August, 1941, in a letter addressed to his "chief" at Leverkusen, Dr. Vetter, a member of the SS who had joined Farben's Leverkusen staff in 1938 and who went on active duty with the SS in 1941, wrote that he is now "in one of the

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largest and best equipped concentration camps." He stated further "As you can imagine, I have ample opportunity of experimenting with out preparation." The Farben reply from Leverkusen, signed by the defendant Haeberlein's immediate subordinate, Dr. Hertens, states: "We are sending large quantities of the requested preparation to you.....Anything you may need in the future will be delivered to you through the Sales Organization Bayer, Munich. If they cannot furnish the required amount, we will take care of it directly." Subsequent correspondence between Dr. Vetter and Dr. Hertens reveals that Vetter successfully carried out the requested experiments and regularly reported the results to Leverkusen.

For the present, we will confine ourselves to illustrations taken from the field of typhus experiments in the Buchenwald Concentration Camp. Following the invasion of Russia in 1941, typhus became a serious threat to the Wehrmacht. The use of typhus vaccines was one of the primary methods in meeting that threat. Handloser, Chief of the Army Medical Inspectorate and later Chief of the Medical Services of the Wehrmacht, wrote in November 1941 to Conti, the Secretary of State for Health, suggesting that the production of typhus vaccines be placed in the hands of the large scale pharmaceutical industries. Farben was prepared to answer this call by the production of vaccines and therapeutic drugs. Farben was already producing, in its Behring Works at Marburg, the so-called Goxenhausen-Ginsdenmeister typhus vaccine, which was produced from egg yolks. The protective qualities of this vaccine, however, were not regarded as having been sufficiently proved and it was therefore considered necessary, before increasing production, to establish its efficacy. On 29 December 1941, a conference was held in connection with this problem in which Handloser, Conti and Brugowsky, of the Hygiene Institute of the Waffen SS, participated. At this conference it was decided that the typhus vaccine from egg yolks was to be tested

on human beings to determine its efficacy. On the same date, another conference was held which discussed the same problem. This conference was attended by officials of the Reich Ministry of Interior and the Army Medical Inspectorate and by Zahn, Haumann, and Dr. Demnitz of Farben's Behring Works. The minutes of this conference state that:

"The vaccine which is presently being produced from chicken eggs shall be tested for its effectiveness in an experiment. For this Dr. Demnitz will contact Oberstarbammführer Dr. Krugowsky."

"If this Behring Works vaccine is proved to be effective, the production capacity of the Behring Works in Marburg shall be essentially increased."

As a result of these conferences, the murderous typhus ward at the Buchenwald concentration camp was set up under the direction of Krugowsky, of the Hygiene Institute of the Waffen SS, and his subordinate Dr. Ding who actually performed the experiments there. On January 6, 1942 the experiments began with the vaccination of 135 concentration camp inmates with four different vaccines, two of which were produced by the Behring Works of Farben. Early in March 1942, all of these persons, plus an additional ten inmates who had not been previously protected by vaccination, were artificially infected with a virulent typhus virus. The experimental series was concluded in April 1942 with five deaths, two of which were from the group vaccinated with the Behring vaccines. A report on this experimental series was sent to Dr. Demnitz of the Behring Works Marburg, among others.

Farben continued to use the facilities available at Buchenwald for further criminal experiments to test other drugs. In September 1942, the defendants Hoerlein and Lautenschlaeger were urging Krugowsky to test the therapeutic effect of Preparation 3502 "Akridin" and Menthalyne Blue on Typhus. In January 1943, 47 inmates were artificially infected, 40 of whom were to be treated with akridin and menthalyn blue after

the inception of the disease, and seven of whom were to be used as controls without any treatment. This experiment was regarded as a failure because the virus used for artificial infection had become attenuated and did not cause typical typhus among the experimental subjects. In spite of that, one of the subjects died.

In order to perform the experiments requested by Farben, Ding applied a sure method of artificial infection by means of the intravenous injection of typhus-infected fresh blood. This method of infection was highly successful and in April 1943, experiments were again performed with alaridin and rutenol which were made available by Farben. Of thirty-nine inmates used as experimental subjects, twenty-one died. It is significant to note that before this experiment was finally executed, Dr. Ding conferred with the defendant Lautenschlaeger and Dr. Vaber and Fussgaenger at I.G. Farben Hoechst. I.G. Farben Hoechst received a full report on these experiments.

Not only was Farben fully appraised of what was going on at Buchenwald, but every division of Farben which had any interest was informed of the activities and the experiences of other divisions of Farben. The close coordination and integration of information in the giant Farben firm is nowhere better illustrated than in the pharmaceutical field. What happened at I.G. Farben Hoechst was immediately transmitted to I.G. Farben Elberfeld, I.G. Farben Harburg, and I.G. Farben Leverkusen; similarly, the experiences of I.G. Farben Leverkusen went the rounds via letters and interoffice memoranda to the remainder of the Farben empire.

The prosecution will show beyond any reasonable doubt that the responsible officials of I.G. Farben, particularly the defendants Haeurlein and Lautenschlaeger who were directly in charge of pharmaceuticals for I.G. Farben, consistently promoted and encouraged the testing of Farben chemicals on the helpless victims of concentration.

camps although fully aware of the conditions under which these experiments were being performed.

The prosecution is cognizant of the fact that it is permissible to experiment on human beings under circumstances which are neither illegal nor immoral. But the one fundamental requirement without which all such experiments become not only illegal but completely unjustifiable and inexcusable is the requirement that there be consent on the part of the persons upon whom the experiments are to be performed. This principle has been clearly enunciated in the Judgment of Military Tribunal I in the medical case recently concluded in this court room. The prosecution in this case will show that the concentration camp inmates used in the experiments were given no choice whatever. Forben participated in the experiments in Buchenwald and other concentration camps although its officials knew full well that the miserable victims had not volunteered for the murderous experiments to which they were subjected.

GENERAL TAYLOR:

CONCLUSION

We have concluded the outline of the evidence which the prosecution will offer under the several counts of the indictment, and I have only a few more words by way of conclusion. Each of these defendants is charged with criminal responsibility for the crimes charged in the indictment because of his individual participation in such crimes. If any of the defendants are to be found guilty, it must be because, in the words of the Judgment which was rendered on August 19, 1947, by Military Tribunal I: "The evidence has shown beyond a reasonable doubt that such defendant, without regard to nationality or the capacity in which he acted, participated as a principal in, accessory to, ordered, abetted, took a consenting part in, or was connected with plans or enterprises involving the commission of (the crimes)...., which are the subject matter of these counts. Under no other circumstance may he be convicted."

The defendants were all responsible and highly placed officials of the I.G. Farbenindustrie. But the corporate entity, the legal person, I.G. Farben, did not commit crimes. It was merely the instrumentality of the men who guided and directed it. In determining who were the men who furnished this guidance and direction, we are driven inevitably to the members of the Vorstand and to other leading officials of the corporation.

In outlining the evidence today, we have repeatedly directed the Tribunal's attention to documents or other evidence to be offered, from which the direct participation of particular defendants in the entire complex of criminal acts is to be ascertained. In the course of the trial, these and other documents will give the Tribunal ample basis for determining the scope of direct activity by each defendant, and the principal fields in which each of them took initiative and exercised direct management.

But, over and above the responsibility of each defendant in his own primary sphere of activity, the over-all responsibility of the twenty defendants who are members of the Vorstand is inescapable. No doubt the Tribunal will wish further discussion of this point after the evidence has been taken, and when the documents which establish the responsibility of the Vorstand and show what action it took have been spread upon the record. For the moment, we seek only to remind the Tribunal that the members of the Vorstand were the members of the actual managing board, the agency charged with responsibility for determination of policy and the management of the concern, and the agency which in fact did make policy and which in fact did manage the concern. The Vorstand was composed of individuals who saw, heard, planned, and acted. Although as a matter of administrative operation, individuals members were delegated broad authority in designated fields, they were required by the by-laws to submit all important matters coming within

their own spheres to the entire Vorstand for decision. The evidence clearly establishes that this practice was followed as a matter of course, and although there was an area of discretion which authorized an individual Vorstand member to act on his own responsibility where urgency required, that member nevertheless was required to report at the next session of the full Vorstand about the matter in which he took independent action.

Knowledge of the many details involved in the execution of all matters of general Farben policy was certainly not known to every or, in fact, to any individual Vorstand member. The field of play was far too vast. But the matters we have set forth as the principal strands in this net-work of crime were known to the defendants of the Vorstand either because they participated in policy making, in planning, in execution, or because they approved and ratified upon learning of the acts of other Vorstand members or of other Farben officials.

Moreover, even if a defendant may claim lack of actual knowledge of certain details, there can be no doubt that he could have found out had he, in the words of Military Tribunal No. 1 made "the slightest investigation." Each of the defendants, with the possible exception of the four who were not Vorstand members, was in such a position that he either knew what Farben was doing at Leuna, Bitterfeld, Berlin, Auschwitz, and elsewhere, or, if he had no actual knowledge of some particular activity, again in the words of Military Tribunal No. 1, "occupying the position that he did, the duty rested upon him to make some adequate investigation." One can not accept the prerogatives of authority without shouldering responsibility.

The four defendants who were not Vorstand members were named in the indictment because they played a particularly crucial role in the crimes charged in the indictment. The defendant Durrfeld, as Director and Construction Manager of the Auschwitz plant, is heavily implicated

in the use and abuse of slave labor, in spoliation activities in Poland, and consequently in the waging of aggressive war. The defendant Gattineau was, among other things, the conduit through which other Farben officials were placed in appropriate contact with important Reich and Nazi party leaders to facilitate the execution of the criminal program. For six crucial years. He directed Farben's Political-Economic Policy Department, which was officially charged with maintaining liaison with the Reich and Party agencies and played an important role in Farben's preparations for aggressive war. After 1938, as manager of one of Farben's largest explosive plants in occupied territory, he participated in the procurement and abuse of slave labor and in spoliation activities. The defendant von der Heyde, apart from his membership in the SS, an organization declared criminal by the International Military Tribunal, was implicated in the same general activities as Gattineau. The defendant Kugler was one of Farben's most expert agents in the planning and consummation of spoliation in numerous occupied countries, and thus played a major role in the waging of aggressive war and in the unlawful plundering of occupied territories. The participation of these four defendants in the activities described in the indictment is so direct as to require no further elaboration.

I have emphasized the responsibility of the defendants as officials of I.G. Farben because the greater part of the crimes charged in the indictment were committed by the defendants in the exercise of their functions as Farben officials. But the defendants are not charged only as Farben officials, and they are responsible for their actions in whatever capacity such action was taken by them. Most of the defendants held highly responsible governmental or quasi-governmental positions. The outstanding example, but by no means the only one, is the defendant Krauch. At least as early as 1936, Krauch was a highly important Reich official and, after 1938, when he became one of Goering's chief deputies,

he assumed principal responsibility as a governmental official for marshalling the chemical industry in preparation for invasions and aggressive wars. Branch's responsibility for his actions as a government official is independent of, and not derivative from, his responsibility as a member of the Vorstand and, later, the Aufsichtsrat, of I.G. Farben.

Indeed, the defendants' dual status as managers of an enormously powerful private enterprise and as officials of the Third Reich underlines a question which inevitably shapes itself in the mind when viewing this case as a whole. Where did the loyalties of these men lie, and what ideal, if any, did they acknowledge?

Some light is shed on this question by an interesting series of meetings which took place in 1944 and 1945, in the course of which the defendants endeavored to formulate plans "in case the war was lost" in order "to escape a seizure of available assets of I.G." and "to keep foreign selling companies running during the period in which the communications with them would probably be broken." The defendant Ilgner suggested a plan to "sell" all Farben's important patents in Germany to camouflage companies in one of the neutral countries, in order to prevent seizure of the patents by Allied authorities if Germany were occupied. At the same time, the defendant von Schnitzler was concerned about possible confiscation of the stocks of merchandise of the various Farben sales agencies throughout Europe; he was worried that they might have to close for lack of merchandise, since if Germany lost the war communications would be interrupted and, at least for a time, Farben would not be able to deliver any goods to foreign countries.

Certainly one can not say of these defendants that they do not look far ahead, but one can not avoid the impression that their field of vision is abnormally narrow. In 1945, after Germany's defeat, the defendant von Schnitzler expressed himself as being certain that the French chemical industry would be only too glad to resume its cartel relationship with

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Farben and, apparently encouraged by the manifestations of astonishment which this observation evoked, and taking them for indications of real interest in the idea, he promptly volunteered to elaborate more fully the "propositions which were adapted to the present situation". And at about the same time, the defendant Ilgner, in a letter to his former associates, stated:

"In any case, we should try immediately to make all preparations so that the entire set-up is ready to operate again as soon as the American authorities decide how and to what extent the I.G. is to work in the future."

It is indeed a strange lens through which the defendants view the world. One might marvel at such sublime insensitivity were it not joined to such calculated purpose, brilliant capacity, and ruthless contempt for the world and its laws. A touch of power, and they were warped beyond redemption. The creative talents with which they were endowed were perverted, and their science became a malignant alchemy. There is no loyalty in these men - not to science, nor to Germany, nor to any discoverable ideal, and Germany can only be the better for putting their actions to the test of law and truth.

THE PRESIDENT: The Tribunal will be in recess until nine thirty o'clock tomorrow morning.

THE MARSHAL: The Tribunal will be in recess until nine thirty o'clock tomorrow morning.

(The Tribunal adjourned until 28 August 1947, at 0930 hours.)

Official Transcript of the American Military Tribunal VI in the matter of the United States of America against CARL KRAUCH et al, defendants, sitting at Nuernberg, Germany, on 28 August 1947, 0930, Justice SHAKE presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI. Military Tribunal VI is now in session. God save the United States of America and this Honorable Tribunal. There will be order in the court.

THE PRESIDENT: Military Tribunal VI is now in session.

May we ask if there are any preliminary matters, any preliminary matters that need attention before we engage in hearing the evidence of the prosecution?

Pardon me. May I inquire, Mr. Marshal, if the defendants are in the dock?

THE MARSHAL: May it please Your Honors, the defendants are present with the exception of the defendants Wurster and Brueggemann who are absent due to illness.

DR. HOFFMANN (For the defendant von der Heyde): Your Honors, on the 2nd of June 1947 in the prescribed form, I requested the following witnesses for the defendant von der Heyde: (1) Dr. Edward Schaumburg, (2) Karl von Heyde, and (3) Erich Mueller. The Tribunal must have these applications. I heard nothing for quite some time and then I assumed that contrary to the practice in Military Tribunals 1 and 2, before which I have appeared up to now, the calling of these persons as witnesses would be denied because of the importance of the case.

On 25 July 1947, through the Defendants' Information Center, I received a report saying that the approval of the witnesses whom I had requested would be postponed until this court met.

I should like to remark that all of the three witnesses whom I have requested are at liberty and that I gave their home addresses in my application. In the meantime I have also learned that the prosecution is interested in Erich Mueller, whom I consider as especially important. After I handed in my application, the prosecution called him as a witness and interrogated him for weeks. I learned that he refused any contact

with me since there is a proclamation in the I.G. Farben House at Frankfurt prohibiting contact with defense counsel.

Now, Mr. President, on 26 August 1947 I received a statement from the prosecution refusing to give permission to call the witnesses whom I requested, citing several points. The most important of which seemed to me to be (1) that these witnesses whom I called are prosecution witnesses, (2) not enough grounds were given for calling these witnesses, and (3) at the proper time they asked me to call these witnesses again.

I should like to remark as far as point 1 is concerned, in the trial before Military Tribunal I the representatives of the prosecution said that all witnesses who are at liberty are the witnesses of the side that calls them first. I cannot imagine that this statement made by the representative of the Chief of Counsel is no longer valid today. Therefore, these witnesses whom I requested on 2 June 1947 would have to be approved.

As for the second point, after the opening speech I know no more about the charges against my client than before. If I am to explain my request for these witnesses, I must keep this explanation limited to the activities of my client. I cannot refer to documents or instances because I do not have this information.

As for point 3, the prosecution might say that at the end of the prosecution's case I should call my witnesses, but according to experience that is too late. Up to now every one of the military tribunals has considered it important for the defense counsel to begin to obtain their evidence in time to avoid unnecessary postponements and delays. I see no reason therefore why my application for the calling of these three witnesses, (1) Dr. Edward Schaumburg, (2) Karl von Heyde, and (3) Erich Mueller, should not be approved, or why I should make this application later and I ask for a ruling of the Tribunal on this matter.

THE PRESIDENT: Does the prosecution wish to make any comment with respect to this matter?

MR. SPEECHER: May it please the Tribunal, with respect to the

applications for subpoena, the prosecution has taken a very uniform position during all these weeks from the time of the signing of the indictment until the present time. We have objected in each case to the actual subpoena of a witness on the grounds we feel it is quite immature.

I think it should also be very plain to defense counsel, when the ruling which the Presiding Executive Judge made before this Tribunal was constituted and by the ruling you have made since that time, that the motions were denied by the Tribunal merely as being premature and that they could be renewed at a proper time.

Now, with respect to the question of interrogating these witnesses, the prosecution in this case has taken one position and only one position, namely that if these witnesses are at liberty we have absolutely no objection to defense counsel seeing them. I do not want to burden you with examples, but I could give you some instances where we have taken the initiative of making witnesses available or letting defense know where they could be found. Therefore, with respect to the witnesses for which applications have been made on behalf of the defendant von der Heyde, we have nothing further to say; our position has been very clear throughout.

If there are some technical difficulties, I think it is something which defense counsel and the prosecution can discuss outside of court. Then, if there is any necessity to discuss it with Your Honor, we will take it up then.

THE TRIBUNAL: I may say, on behalf of the Tribunal, that when the files of this case were delivered to us there was some accumulation of applications of this character. In going through the files we discovered that the presiding judges had, as indicated by the prosecution, entered some orders which we took were not a denial of the application but merely a postponement of the mechanics, if I may use that word, with reference to the physical production of the witness before the Tribunal. Knowing there would be considerable time before the defense witnesses would be needed in the courtroom, it was only our purpose to obviate the necessity

of their constant attendance and certainly not to deny the defense counsels the privileges which we take it they are entitled to with reference to having the witnesses they desire at the proper time.

Now, I am not just sure as to where we stand with reference to these applications; there may be a number of them which have not even been submitted to us. I would suggest, on behalf of the Tribunal, that if you will survey the situation and re-group again your applications, discuss them with counsel for the prosecution and undertake to reach an understanding, perhaps that will solve the problem. If not, you will be at liberty to call it to our attention again and we will undertake to protect the defendants' rights with reference to witnesses.

DR. BOETTCHER: (Counsel for defendant Krauch) Mr. President, I should like to mention three very brief points and explain them briefly. First, from a letter of the prosecution for the 21st of August, it can be seen that the prosecution has one document book, "Basic Information on I.G.," which has been given to the Tribunal. The defense reserves the right at the proper time to comment on this document book, "Basic Information on I.G.," which has been given to the Tribunal. The defense reserves the right at the proper time to comment on this document book and to correct any inaccuracies that may be in it and we offer the prosecution to do this jointly.

Second, in this document book there are some charts, they have been enlarged and displayed in this room. According to the prosecution itself, this is information. According to American trial procedure, as far as we are informed, it is permissible to use only this information, if the defense agrees with the contents of this information. These documents, however, contain certain inaccuracies and might cause misunderstanding. Therefore, the defense should like to make application that the prosecution be asked not to display these charts until the opportunity is given to the defense; to correct any inaccuracies together with the prosecution and then to offer them charts again to the Tribunal.

Third, the defense should like to make the following general statement. If in the course of this trial, applications of any defense counsel are rejected, we should like now once and for all to object to this rejection and to reserve all rights in this respect. According to our information, such a blanket exception is permissible and

customary in order to simplify the course of the trial.

THE PRESIDENT: Under the practise with which the Tribunal is most familiar, there is a clear distinction between an objection and an exception. An objection should be made at the time the reason for the objection is stated to the Tribunal, because it might influence the ruling of the Tribunal. But so far as exceptions are concerned, it will not be necessary for counsel for either side to repeat exceptions, when objections have been over-ruled or sustained, as the case may be. It will be taken for granted that an exception is given to ever adverse ruling made by the Tribunal without the formality of request for an announcement.

MR. DUBOISE: May it please the Tribunal, the prosecution will be only too glad to sit down with the defense counsel and take up any questions relating to the book entitled, "Basic Information" at any time. As indicated in that book, the basic information was submitted primarily at that time as reference material and was not intended to be considered as evidence.

Now, so far as charts and maps are concerned, we fully agree that any map or chart which is not to be offered for the basis on which it is drawn is not to be offered in evidence and should not be displayed on the wall unless there has been prior agreement with defense counsel as to its contents. Certainly, we don't want something displayed here which might in any way give an impression unless it has either been agreed upon or can be backed up by evidence which is duly admissible.

Now this particular example is the world map here.

28 Aug 47-2-3-M-AEH-Moohan (Von Schon)

The reason that is displayed here is that the basic information on which that map is based will be offered in evidence and we expect possibly the document on which this map is based will be offered in evidence today and that is why we ask that this map be put up.

THE PRESIDENT: Well, the Tribunal is in hearty accord with the policy of counsel for the prosecution and defense undertaking to agree upon the correctness of exhibits, charts and matters of that kind. So far as the map on the wall is concerned, if any inaccuracies are pointed out, I am sure the Tribunal will keep them in mind and no one will be prejudiced today so far as its physical presence in the courtroom is concerned, if that is agreeable to counsel for the defense.

Now, are there any other preliminary matters which the defense or prosecution wishes to suggest before we open admission of the evidence in the case?

The Tribunal would like to make an observation. This is our first experience in a Tribunal of this character. We have however had the opportunity of visiting some of the other Tribunals and some associations with the members of the other Tribunals. It has occurred to us that a great documentary evidence. Every exhibit that is admitted in evidence thereby becomes a part of the record for all purposes and for all time. Now to follow what we have observed to be the practice, of reading in evidence long excerpts from the exhibits at the trial, is more or less of a duplication and we would like to suggest to counsel that perhaps your time as well as ours might be conserved if it would be possible,

28 Aug 47-2-4-M-LEH-Meehan (Van Schen)

When a document is offered in evidence, for counsel to state very briefly the purpose of the document, or in a general way the contents of it and obviate in many cases the necessity of reading the document formally in evidence. We think we can assure all of you gentlemen that documents that are introduced in evidence here will be read by each member of this Tribunal and we doubt if anything would be accomplished by having the documents - or long parts of the documents - twice in the record. We are not announcing any formal rule, perhaps in some cases it might be a conservation of time to read a short document rather than to state its contents, but we do, for the time being at least, leave it to your good judgment as to how time can best be conserved, bearing in mind that when the exhibit is introduced in evidence, whether it is read then or not, it is before the Tribunal.

Is the prosecution ready to proceed with its proof?
You may proceed.

MR. DUBOISE: May it please the Tribunal, before proceeding with the presentation of evidence in this case, we would like to make a preliminary statement as to the order of proof which the prosecution will follow. As to the general nature of the documentary evidence, which are from the bulk of the proof of the Prosecution's case in general, we expect that the presentation of proof will follow the order of the indictment unless exceptional circumstances call for a departure.

We shall begin with Count 1 and in large measure present all evidence in the order of the allegations in that count. The prosecution will endeavor to present all

evidence pertinent to any particular subject at one time, so that the record will be as orderly as possible. There will undoubtedly be some occasions, however, due to the unavailability of witnesses, or for some other reasons, when we may have to return to a subject previously discussed.

I should like to explain briefly to the Tribunal the manner in which our documentary evidence is prepared for presentation. Each of your Honors should have before you a manila folder, which is marked Military Tribunal No. 6, Case 6, Prosecution Document Book No. 1. If you look at the first page you will find an index of the contents of this book. The book contains English translation of the documents which will be introduced into evidence. The documents are arranged in the order in which we expect in general to offer them in evidence. Occasionally the prosecution may vary from this order by eliminating some documents or adding others, but for the most part we expect that this index will serve as a guide for the presentation of our evidence.

Under rule 17 of the uniform rules of procedure the prosecution is required to file with the Defendants Information Center one copy, in the German language for each defense counsel of any exhibit to be introduced, at least 24 hours before the offer is made. This is accomplished by filing with the Defense Information Center copies of these document books in German. These copies are mimeographed and arranged in the same order as in the English book. In addition, the prosecution has previously filed with the Defense Information Center in

28 Aug 47-2-6-M-JEH-Meehan (Von Schon)

this case advance copies of many documents to be used, sometimes in advance of the 24 hour rule. These are individual copies. I think there are well over eight hundred of them filed already. In addition to the document books in mimeograph form, which are so to speak working copies, a Certified photostatic copy of the original of the exhibits will be presented to the court at the time the exhibit is offered in evidence. These copies are arranged in separate folders, one folder for each exhibit and this book will be handed to a representative of the Secretary General as the offer is made. These copies become the official exhibit and of course are subject to inspection by defense counsel at the time the offer is made, if they so desire. The photostatic copy of each exhibit is also to be made available to the Defense Information Center as well. Now the purpose of this is so that defense counsel may study from the photostat various hand written marks, initials and the like.

I would like to say at this point that if photostatic copies are not always available, which may be the case, that is not always available in time, there is obviously no indication that defense counsel should be prejudiced because of that, for when they receive the photostatic copies and they later discover any marks on the photostat after they study them, they can of course, as far as the prosecution is concerned, bring them up later at an appropriate time.

I don't believe there will be many questions of this nature, but I do suggest that if they should arise that in the interests of expediting the trial they be discussed first with the Prosecution and then, of course, if necessary they can be raised with the Tribunal.

I would also like to comment at this time on the problem of translation. The German documents have been translated into English and English documents into German. Now there may be instances where Defense Counsel will take exception to some particular translation, and here again in the interests of expediting this trial, I would suggest that Defense Counsel first discuss these questions of translation with the Prosecution before raising them in open court. The practice adopted in other Tribunals and which I gather will also be adopted here is that an entire document can be accepted into evidence whether it is only read in part or whether it is read at all.

The type of documentary evidence which is far the greater part of of the proof in this case will consist of captured documents and records. When the United States Army first entered German territory, it had special military personnel whose duties were to capture and preserve enemy documents, records and archives. These documents were assembled in temporary document centers. Later each document center established - there were six document centers established in the United States zone of occupation. When these documents were assembled, then the processing of indexing and cataloging was done. Certainly these document centers have since been closed and the documents assembled there have been sent to other document centers.

Upon the completion of the International Military Tribunal, field teams under the direction of Major William Coogan were organized and sent to the various document centers then in existence. Great masses of German documents and records were screened and examined. Most of the records were sent here to Nurnberg to be processed. These original documents were then given trial identification numbers in various

series, the series being designated by letters PS, L, R, EC, C indicating the means of acquisition of the document, and within each of these series the documents are listed numerically. The Prosecution in this case will have occasion to introduce in evidence documents which were processed under the direction of Major Coogan. Some of these documents were introduced in evidence before the International Military Tribunal, and some of them have been introduced before other Military Tribunals. This Tribunal is required by the provisions of Article 9 of Ordinance VII to take judicial notice of the documents which were introduced either before the International Military Tribunal or before other Military Tribunals. However, in order to simplify the procedure, we will introduce photostatic copies of these documents to which will be attached the certificate indicating that such documents were introduced in evidence before either of the other courts and that this is a true copy of the exhibit.

As to the documents processed under the direction of Major Coogan which have not been used in previous cases, they are authenticated by the affidavit of Major Coogan. This affidavit was used by the International Military Tribunal. It is dated November 19, 1945. It was introduced in the International Military Tribunal and explains the manner and means by which German documents were processed. I would like to now offer as Prosecution Exhibit No. 1 the Coogan affidavit.

THE PRESIDENT: It may be assumed that each and every document offered in evidence was at the time received and filed as an exhibit unless there is an objection at the time. This will obviate the necessity of the Tribunal formally announcing the admission of a document.

MR. DUBOIS: I come now to the authentication of documents which were processed not for the International Military Tribunal but for subsequent trials. All documents processed for subsequent trials but yet introduced in any previous case before a Military Tribunal are

authenticated by an affidavit of Fred Niebergall which is found on page 8 of this document book, and I would like to offer as Prosecution Exhibit No. 2 the Niebergall affidavit. This affidavit recites the manner and means by which a large part of the documents which we will offer in evidence were processed and made ready for presentation here. I have in view of the fact that this is the basis for much of our documentary evidence thought that the Tribunal might like me to read some of this, but I will leave that up to the Tribunal.

THE PRESIDENT: If you think it important, you may call our attention to anything specific that you think should have our notice at this time.

MR. DUBOIS: I think we can dispense probable with the reading of this.

THE PRESIDENT: Very well.

MR. DUBOIS: A certain type of documentary evidence will be affidavits which were obtained by the Prosecution. I would like to point out at this point that affidavits are generally admissible under Article 7 of Ordinance VII and the practice developed by other Military Tribunals, and I would now like to offer in evidence a certificate by General Taylor authorizing certain members of the Prosecution staff to administer oaths in connection with the attesting of affidavits which will be introduced in this case. This certificate appears in Document Book I at page 9 and will be Prosecution Exhibit No. 3.

The starting point in this case is certain determination and finding of the International Military Tribunal. Article 10 of Ordinance VII provides that the determinations of the International Military Tribunal in the Judgments in Case No. 1 that invasions, aggressive acts, aggressive wars, crimes, atrocities or inhumane acts were planned or occurred shall be bindings on the Tribunals established here under and shall not be questioned except insofar as the participation there in or knowledge thereof by any particular person may be concerned.

Statements of the International Military Tribunal in the Judgment

in Case No. 1 constitute proof of the facts stated in the absence of substantial new evidence to the contrary. The invasions and wars of aggression covered by the Judgment of the International Military Tribunal are listed in paragraph 2 of the indictment in this case. The only question in issue on Count I, therefore, is the extent if any to which the defendants willingly participated in the preparation for and carrying out of the invasions and wars of aggression which were planned and which did occur.

Now the program of the Nazi Party which we will show was supported by Farben and which we will show could not have been carried out without Farben's support is summarized in the Judgment of the International Military Tribunal which will be taken judicial notice of by this Tribunal. We especially call attention to pages 174 and 175 of the official version put out by the Secretary General in which the International Military Tribunal makes certain findings and certain determinations with respect to the Nazi Party program and what it meant.

As Prosecution Exhibit No. 4 I now offer in evidence a document which was offered in evidence in the International Military Tribunal as USA Exhibit 255 and USA Exhibit 324 which is an excerpt from the National Socialist Year Book of 1941 giving the points of the program of the NSDAP. The document number is 1708-PS.

DR. SIEMERS: Dr. Siemers, may it please the Tribunal. I object to the introduction of this document for the following reason. I have not been able to determine from what edition of Hitler's book "Mein Kampf" this excerpt has been taken. One can only see that it comes from a edition later than 1933. I have tried to determine what year. I have discovered that the text and the page numbers correspond exactly to the 489th to 493rd edition of the year 1939. Your Honors, Hitler wrote this book in the years 1923 to 1925. It is generally known that the text of this book was changed.

THE PRESIDENT: Counsel, pardon an interruption. I am wondering if

you are not speaking with reference to the next succeeding document rather than the one which Counsel for the Prosecution is referring to. I take it from your observations that you maybe referring to the excerpt from "Mein Kampf" rather than from the National Socialist Year Book of 1941. If we are incorrect in that regard, we would be very happy to have you tell us so.

DR. SIMERS: I am speaking about Document 2760, Exhibit 4, the excerpt from Hitler's "Mein Kampf" which was just offered by the Prosecution.

THE PRESIDENT: Will you pardon me again. The Tribunal understands that the Prosecution is now offering Exhibit 4 which is the program of the Nazi Party extracted from the National Socialistic Year Book of 1941.

DR. SIEMERS: I beg your pardon, Mr. President, I thought that the Prosecutor was already offering "Mein Kampf." I thought he was on the next document.

THE PRESIDENT: Very well.

DR. SIEMERS: I beg your pardon.

THE PRESIDENT: I think we well understand each other.

MR. DUBOIS: The Prosecution presents PS-1708 as Prosecution Exhibit No. 4. Now as Prosecution Exhibit No. 5 the Prosecution offer 2760-PS which is from "Mein Kampf" by Adolf Hitler, the 39th edition, page 563 and 4, dated in 1933. The document was offered in evidence in the International Military Tribunal as USA 256. The Prosecution notices for the first time that the certificate says the 39th edition and that the document itself says the 41st edition.

THE PRESIDENT: Pardon me. Can you now ascertain from the exhibit which edition it is.

MR. DUBOIS: It is the 41st edition, 1933. Here is a book by Adolf Hitler, "Mein Kampf", and I suggest we might be able to expedite this by offering this particular book now in evidence, and we will make arrangements to get photostats from this particular book of the parts which we are referring to. This particular book is a 1934 edition. It will have the same excerpts although they won't be on the same pages, so that we now offer this book in evidence and we will make arrangements to photostat and translate if necessary the parts that we want to call the particular attention of the Court and Defense Counsel to.

DR. SIEMERS: Your Honors, it has been determined

that the quotations come from the edition of 1939. Neither the Prosecution nor I are in the position of owning the original book, that is, the first edition of the years 1924-1925. I beg your pardon, 1925 and 1927. On the first page of the book there is a notation that the first edition appeared in 1925 and the second volume in 1927. The Prosecutor is right. He could offer the book, but that is not what my objection is about. The edition of 1934 would not help us either. It is generally known that 1932 or 1933, when Hitler came to power, the book was changed and the old editions were recalled. If it is to be proper evidence, it seems to me to be necessary, and I ask the Prosecution to do this, to obtain the first edition from the year 1925 or 1927. I know that it is difficult, but I consider it possible that this volume can be found in some library perhaps more easily abroad than in Germany since the book was in many cases read with more interest abroad than in Germany.

But I have another reason for my objection. I should like to tell you briefly the following. In the big trial before the International Military Tribunal I offered a document, just as in this case, which was based on a book. That was a book by Winston Churchill. The first edition of this book by Winston Churchill had been published in 1935 at a time when Churchill was not in the Government. The Prosecution through the British Prosecutor, Sir David Maxwell Fyfe, objected to this document explaining that it expressed the opinion of a private citizen, although a private

citizen who later played a very important role and became a member of the Government; but at the time when the first edition of the book was published, he was simply a private citizen.

I would like to point out that in 1923 to 1925 when he wrote the book, 1925 and 1927 when the book was published, Hitler was simply a private citizen just like Churchill. Eight years after his book appeared, he became the most important member of the Government, one in England, the other in Germany. I believe the cases are parallel. Therefore, I ask the Tribunal to consider this point. It is not only a formal reason, if I say that.

In the big trial I saw that the Prosecution greatly exaggerated the importance of this book "Mein Kampf" simply because Hitler later came to power. Before 1933 the Germans did not know this book and afterwards they knew it not much. There is a practical importance if I raise this objection. I ask this exhibit be denied because it is the statement of a private citizen. If it is admitted, I should like to ask the Prosecution to get the text from the first edition which in very important points was changed later.

Finally I have a minor matter to say about this document. Page 153 is copied concerning Hitler's political ideas. I should like to ask the Prosecution if they copy three long paragraphs also to copy the next short paragraph which reads as follows:

"For such a policy, however, there was only one ally in Europe and that was England." I believe that this sentence should be included in this excerpt.

THE PRESIDENT: Manifestly the Tribunal cannot at this time determine the value or the pertinency of ver much of the evidence as offered. It is early in the trial and the theories of the Prosecution and the Defense are not yet clear to us. The Tribunal is inclined to think that if the book is competent evidence, not much significance could be attached to the particular edition as offered. Manifestly, if there is any departure in text between the various editions, that is a matter which Counsel for the Defense if they see fit would be privileged to go into.

The Tribunal at this time is going to overrule the objection with this observation that if it later develops that this exhibit has no probative value and is not entitled to be considered by the Tribunal, and Counsel for the Defense wish to make a subsequent motion to strike it from the evidence, we will hear you on that matter.

MR. DUBOIS: The next document the Prosecution would like to offer is Prosecution Exhibit No. 6. It will be NI 5531, on page 32 of the document book, which is excerpts from the I.G. Farben newspaper "Von Werk zu Werk," reprinting certain excerpts from Hitler's Mein Kampf.

The next document the Prosecution would like to offer is PS-2433, on page 35 of the document book. This document was offered as U.S.A. Exhibit 596 before the International Military Tribunal. The document is an article by Alfred Rosenberg who, in the words of the International Military Tribunal, was "recognized as the Party's ideologist" and who, as the International Military Tribunal stated, "developed and spread Nazi doctrines in the Volkischer Beobachter, the Nazi's official organ. This particular document explains in some detail the meaning and various points of the Nazi program.

DR. SIEMERS (Counsel for defendant von Schnitzler): May it please the Tribunal, for the record I should like to say that my objection to Exhibit No. 5 also applies to the next document, Exhibit No. 6. It is the second excerpt from Mein Kampf.

THE PRESIDENT: Now, I believe we are confused a bit again. I think that Exhibit 5 referred to PS-2760-A, and Exhibit 6 has, as we understand it, referred to Document NI-6531, if our memorandum is correct. Counsel for the Prosecution made no separate offer of Document NI-9358.

MR. DUBOIS: If I may comment, if it please the Tribunal, our Exhibit 5 is the book which we just presented to the Secretary General from which we will make appropriate translations. (Exhibit) 6 is this NI-5631.

DR. SIEMERS: I beg your pardon. This is correct.

Concerning Document 7, Exhibit No. 7, the Rosenberg document, I should also like to object; again because this is the opinion of a private citizen. I should like to point out that — as well known as Rosenberg became later — at the time when he wrote this book he was quite unknown, and simply a private citizen. The book was written in 1922, which shows the nature, principles, and aims of the National Socialist Party. I don't think I am saying too much if I say that probably none of the defendants knew this book at that time, and I doubt whether many people knew of it before 1939.

As the basis for a trial which is supposed to prove that I.G. Farben supported Hitler and knew his aims, one cannot use this document.

Formally I rely on the principle, which was used in the I.M.T., that opinions, statements, books by private citizens, have no significance and cannot be exhibited as documents. I shall quite agree if any other legal opinion is represented, but I believe that this position is the correct one. In any case, it is the one held by the IM.T.

I should like to add that three days ago, in a parallel trial, in another industrial trial against the industrialist Flick, a similar situation arose. I am informed about it because I am defense counsel in that trial too. A document was offered by my colleague, Dr. Kranzbuehler there. This was a diary of Captain Butcher, the adjutant of Eisenhower. The document was not accepted on the grounds that it was not the opinion of an important member of the government or member of the occupying authorities in Germany.

THE PRESIDENT: The Tribunal would observe again that we are on the outset of this case. It has already

been indicated that there are a great many documents that will be offered. There are many defendants in the case. Manifestly, the Prosecution cannot be required to disclose its entire theory so early in the trial. We cannot tell at this time whether or not one or more, or any of the defendants, will be connected with this offered exhibit, and we are inclined to admit it, with this observation: that if it subsequently becomes apparent that it has no probative value, and counsel for the defendants have any information that this Tribunal might consider evidence of no probative value, we shall certainly entertain your motion to strike it from the record and have it out of the case.

On that basis, the objection will at this time be overruled.

MR. DUBOIS: The Prosecution would also like the Court to take judicial notice of the following particular paragraph on the International Military Tribunal in connection with this. "Rosenberg is indicted on all four counts. He joined the Nazi Party in 1919, participated in the Munich Putsch of 19 November, 1923, tried to keep the illegal Nazi Party together while Hitler was in jail; recognized as the Party's ideologist, he developed and spread Nazi doctrines in the newspaper Vowolkischer Beobachter, which he edited and in numerous books he wrote. His book "Might of the 20th Century" had a circulation of over a million copies."

JUDGE MORRIS: May I inquire what you just read, what page of the volume?

MR. DUBOIS: I am awfully sorry. Page 293 of the International Military Tribunal.

JUDGE MORRIS: Which volume?

MR. DUBOIS: That is Volume one.

JUDGE MORRIS: Thank you.

MR. DUBOIS: As Exhibit No. 8, Prosecution offers NL-8636, which appears on page 41 of the document book, which is an issue of the Voelkischer Beobachter, the Nazis official organ, of Monday, 4 September, 1933, containing Adolf Hitler's final address at the Congress of National Socialist Leadership.

DR. SIEMERS: I beg your pardon, Mr. President, but I must object again. I would be grateful for a basic ruling of the Tribunal in this case again, of course, with special consideration of the difficult situation of the reservation made by the Tribunal. I should like to point out that this is an extract from a newspaper, and I should also like to point out that the opinions of the various tribunals in the Nurnberg trials have been different. In some cases, extracts from newspapers have been accepted as documents both from the Prosecution and from the Defense. In some cases, they have been rejected.

In the Flick trial recently the Tribunal held the point of view that newspaper extracts are not admissible evidence. I should like to remark, however, that this decision is in contrast to the decision of other courts, especially that of the International Military Tribunal.

Since the situation is not clear I am forced to object, and I should be grateful for a ruling of the Tribunal.

THE PRESIDENT: As the Tribunal has heretofore indicated, we cannot know to what extent, if any, the offered exhibit may be connected with one or more of the defendants. It is apparant that basically the objection that is made to the offered Exhibit 8 is the same as that applied to No. 5 and No. 6 -- and perhaps (No.) 7. The Tribunal does not intend to consider incompetent evidence, but we cannot at this time determine to what extent, if any, these exhibits may be competent.

If later, during the progress of the trial, it is apparent that this exhibit, or any of the preceding exhibits to which objections were made, are not of probative value, the motion can be made to reject them, and the entire subject matter can be surveyed and the Court will then make a final ruling on the subject.

The objection is at this time overruled, with those reservations.

DR. SIEMERS: Your Honors, in order to avoid wasting the Tribunal's time, I should like to make a suggestion. If I have understood the Tribunal correctly, this suggestion will agree with what you just said, Mr. President. My suggestion is that in individual cases where there are the same, or similar, objections, I should be permitted in individual cases to refrain from making the objection and to decide later whether it is necessary to object to the specific document.

In this way I could avoid having to interrupt the Prosecution each time.

THE PRESIDENT: That will be quite agreeable with the Tribunal; whether the objection is made at this time as the individual exhibits are offered or subsequently, the Tribunal will at the proper time undertake to assume the responsibility of saying what evidence may or may not have probative value, and to give you the benefit of being heard on this subject at the proper time.

DR. SIEMERS: I thank you.

DR. GIEBIGES (Assistant Defense Counsel of Dr. Kranzbuehler, for the defendant Geheimrat Schmitz): Mr. President, before the recess I have to make a brief technical application. I have just been informed that the defense Schmitz, from eleven o'clock this morning, is to be given a medical examination. Therefore, I should like to ask that he be excused from appearing in court for the duration of this examination.

THE PRESIDENT: Certainly, that request will be granted, and the defendant Schmitz will be excused for the time necessary for him to report for the examination.

During the absence of the defendant Schmitz will his counsel be present?

DR. GIERICHS: Yes, indeed.

THE PRESIDENT: Very well.

MR. DUBOIS: Prosecution offers as Exhibit No. 9, PS-3308, which is an affidavit of Paul Otto Schmidt who was an interpreter in the German Foreign Office from 1923 to 1945, and who acted as an interpreter for Hitler on various occasions. This affidavit relates to the objectives of the Nazi leadership. It was offered as Exhibit 288 in the International Military Tribunal. The book says 596 -- which is incorrect.

As Exhibit No. 10, Prosecution offers NI-7765 which appears on page 48 of the document book, which is an affidavit also of Paul Otto Schmidt made on 3 July 1947 concerning the question of the knowledge throughout Germany of the aggressive war aims of the Nazi Party.

DR. ACHENBACH (Counsel for Defendant Gajewski): Your Honors, I should like to bring up one basic question here. An affidavit is being offered by a witness who lives in Munich. That is not far from Nurnberg. I am of the opinion that "the best evidence" should be always presented to the Tribunal, and that it is possible to have this witness examined before the Tribunal so that the Defense will be given an opportunity to cross-examine him immediately afterwards. The statements of the witness are so far reaching that it seems to me that we should adhere to the principle of "best evidence" and that the witness should appear on the witness stand here. For this reason I object to the submission of this affidavit.

MR. DUBOIS: May it please the Tribunal, I suggest that the procedure adopted in other Tribunals with respect to affidavits be adopted here. As I understand the procedure which has been adopted, it is that when affidavits of witnesses are offered in evidence, that they are accepted with the condition that the Defense may have cross-interrogatories of the witness and in cases of this character may ask that the

witness be brought in at a later time. And obviously in any cases in which affidavits are offered with respect to witnesses who are readily accessible, the Prosecution will take the necessary steps to have witnesses brought in at a later time whom the Defense may desire to cross-examine in the presence of the Court.

DR. NELTE (Counsel for Hoerlein): Mr. President, what the Prosecutor just said is not the practice in all trials here. If it was difficult to obtain a witness because he was sick or because he was abroad, it was permitted that the affidavit be read first, and then the witness produced later. In the Doctor's Trial and especially in the Big Trial this practice was, on principle, such that when the witness was in Nurnberg or nearby he had to be produced in person to avoid the reading of the affidavit giving an impression which might later not be completely done away with. The reading of the affidavit can never give the impression of a personality, and there is a great danger that if, between the reading of the affidavit and the appearance of the witness, there is a considerable period of time, no unified picture is given. We cannot judge under what circumstances the various affidavits were drawn up, although I do not make any concrete charge against the interrogator. But it seems important to us that the witness, if at all possible, should give his entire testimony; that is, everything that he had to testify freely before this Tribunal. Therefore, the best evidence is always the witness himself, and since it is easy in this case to produce the witness, I ask in this case especially, which is of vital importance, that this affidavit not be read and that the Prosecution be asked to produce the witness before the Tribunal.

DR. ACHENBACH: May it please the Tribunal, since the Defense in this case will not dispense with its right to cross-examine the witness in any case, I believe that it will not in anyway delay the trial if the witness is given a direct examination as well, and that will give a more vivid picture if the Prosecution and the Defense

examine the witness immediately after one another. This will eliminate the danger of an affidavit giving an impression to the Tribunal.

MR. DU BOIS: The Prosecution has stated before, is more than agreeable that any witness whose affidavit is offered and who is available to be brought here should be brought here for cross-examination, if the Defense counsel so desires. The only question, as I see here, is a question of timing; whether this affidavit should now be offered or whether it should wait, the question of his being brought here. If the Defense counsel, by referring to the reading of affidavits, is speaking of the reading aloud of these affidavits in open court, certainly, in cases like this, the Prosecution is perfectly willing to dispense with the reading aloud of the affidavit. All we are suggesting now is that this now be accepted in evidence subject to the witness being brought at the appropriate time for cross-examination.

THE PRESIDENT: It is time for our morning recess, and the Tribunal will rule on this objection immediately after we reconvene.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: Does counsel wish to say more on the subject?

DR. ACHENBACH: I should like to avoid a misunderstanding arising from the last explanations which the prosecution has just given and I should like to formulate clearly that I object against having this affidavit submitted and be a part of the record because I am of the opinion that the principle is violated that the best evidence is to be submitted to the Tribunal.

THE PRESIDENT: It has been stated by counsel for the defendant that the witness, the author of the affidavit which has been offered is readily available as a witness. That statement we accept as a fact coming from a recognized counsel in this trial. It has not been denied by the prosecution and under the circumstances the objection will be sustained subject, however, to the right of the prosecution to subsequently show it if it is or develops to be a fact that the witness is not and cannot be made available.

DR. BOETTCHER: Mr. President, during the recess we had an opportunity to discuss the suggestion of the High Tribunal not to read the exhibits of the prosecution, that is, not even in their essential points. The defendants have pointed out the following misgivings to us; first, the defense so far, because of the lack of time between the submission of the document book and its treating in the courtroom, they have had not enough time to discuss the contents of the documents with the defendants. Furthermore, since defense counsel have only received one copy each of the document books, the defendant themselves, therefore, have not a copy of the documents before them so that they

had to inform their defense counsel they don't even know what is going to be discussed and what is to be dealt with in the courtroom. The defense, therefore, is confronted with those difficulties in the trial and is also confronted with the desire of the Tribunal and so they thought perhaps they could make suggestion to comply with the request of the Tribunal. I should like to make two suggestions; either as it was the practice in other Tribunals in Nurnberg, to read only the essential excerpts from the exhibits so that the defendants themselves can hear what is discussed in court, or, if this method is not acceptable to the Tribunal to treat the matter in the following way: that they forego reading it; however, that the defense and the prosecution should have time in the afternoon jointly to confer on the documents to have the afternoon available for this purpose, because only in this way can we guarantee that the defendants are properly informed. In conclusion I should like to make the request, a request which I have already submitted in writing to the prosecution, to give to each defense counsel, a second copy of each document book in German for the defendant.

THE PRESIDENT: The Tribunal does not wish to be understood as having prescribed positive and invariable rule of practice with respect to the reading of these documents. It only occurred to us that in most instances or at least in many instances time could be conserved by a very brief statement of the contents rather than to read a lengthy document in its entirety. As we tried to suggest, perhaps in many instances it would be a conservation of time to read the document rather than undertake to summarize it. We are only undertaking to conserve

your time and our own in the orderly trial of this case and we would really suggest to counsel that you confer with the prosecution about that matter of furnishing additional copies for the use of your client and if something along that line can be worked out I am sure each member of the Tribunal will appreciate any efforts that you gentlemen that you make or calculate, to speed the trial as rapidly as it can be done with due regard to the rights of the defendants. That was the purpose of our suggestion and I may say if it's suggested to the Tribunal by counsel for the defense that any particular document ought to be read because of some particular unusual interest in it, if that isn't calculated to take too much time we certainly will grant the request. It isn't intended in any means to circumscribe the rights of the defendants or to keep the individual in the dock from knowing what's going on but we are just asking your co-operation insofar as possible not to burden the record and to conserve the time of the Tribunal with respect to matters in oral evidence that which is already in evidence as an exhibit.

DR. SCHUBERT: Yes. Mr. President, I do believe that in quite a number of cases we shall have to read the essential content of the document. At the present time the defendants do not know practically anything of these documents.

THE PRESIDENT: Very well, We will meet these problems as they arise and the Tribunal will appreciate it if counsel for the defense and the prosecution will confer informally and undertake to work out some method that will conserve as much time as possible. The prosecution may proceed.

DR. SCHUBERT (For the defendant Buergin): May it

please the Tribunal, I should like to permit myself to discuss a fundamental question which has already been discussed in other trials. The first affidavits have been submitted here. The question has arisen to avoid the difficulties having to call the witness in question in each case. Therefore, I should like to ask for clarification. Does the defense have the right when an affidavit is submitted to demand that the witness in question is brought here for cross examination, the fundamental right independent of the fact whether the witness is available easily or not. If it should be found in the future that the witness in question can be brought here only with difficulty then there is still plenty of time to decide whether this particular affidavit should be accepted if an opportunity can be afforded to submit an interrogatory to this witness. Therefore, I ask for a decisive statement from the Tribunal or from the prosecution that the defense has in every case the right to call a witness if his affidavit is submitted here for the purpose of cross examination.

THE PRESIDENT: Quite manifestly, the facts will differ in many if not most cases as to the availability of the witness, his location, whether it's going to require delay in the progress of this trial. We have only ruled on the specific objection and the particular case to which the objection was directed, and we'll meet other cases if, as and when they arise. The Tribunal is not disposed to lay down any rule that will be inflexible in such instances because of the variations that may be anticipated with reference to the factual background.

MR. DUBOIS: May I inquire of the Tribunal, there were two affidavits of Paul Otto Schmidt which we actually offered. Just in the interest of keeping our exhibit numbers orderly, the first affidavit was an affidavit which had been offered and accepted in the IMT and which we were furnishing a copy of here and asking that you take judicial notice of that. The second was an affidavit which we recently obtained which has been excluded, as I understand, temporarily.

THE PRESIDENT: As the Tribunal understands the record, there was no objection to your Exhibit #9 which has reference to the affidavit found in the document book on page 43 of the English translation. Our ruling only applied to your offered Exhibit 10 which applies to NI 7765.

MR. DUBOIS: The documents which we have just offered were designed to show the nature of the program of the Nazi Party which we charge that Farbon allied itself with. Now, before we submit the documents concerning this alliance, we would first like to submit some documents which will give a general picture of the other partner, that is, Farbon.

The first document, which is Document #NI 5196, which appears on page 54 of the document book and which the prosecution offers as Exhibit #11, is an affidavit of the defendant von Schnitzler made

on 18 March 1947. Now, this affidavit, and other affidavits of the defendant von Schnitzler which will be offered in evidence, embody certain statements made by the defendant, before American and Allied investigators, in 1945. The defendant von Schnitzler was then given an opportunity to reread all such statements a few months ago and to make such qualifications to such statements as he might then desire. So that, each of these affidavits contains a recital of his previous statement and, toward the end, the qualifications, which he desired to make a few months ago, appear. I might also point out that the affidavits of the defendant von Schnitzler, including this one, cover many subjects and will be referred to several times throughout the trial. Although this whole affidavit is now offered in evidence, I will call the special attention of the Tribunal and the defense counsel to those of it which we are particularly interested in at this time. Pages 1 and 2 particularly show - of the affidavit which is on page 54 and 55 of the document book - the power and force of Farben.

DR. SIMMERS (Defense Counsel for Defendant von Schnitzler): May it please the Tribunal, as defense counsel of Mr. von Schnitzler I should like to object to the submission of this affidavit which contains twenty-four pages. First of all, I should like to point out a formal matter. As stated by the prosecutor, in this affidavit from 1947, certain and numerous affidavits are incorporated from 1945. Such a proceeding is considered inadmissible by me. I must in this case know the complete contents of the affidavits of 1945 and not just parts thereof.

But now I am dealing with a fundamental question. My objection is founded with the following three aspects:

First, I believe, that according to Anglo-Saxon law, the affidavit of a defendant should not be admitted in the course of a trial against him. May I point out, and excuse myself, that, as a German counsel, I do not know the law as well as the prosecution

and the Tribunal but, as far as I understand the Anglo-Saxon trial procedure, and as far as I have become familiar with it during the Nurnberg trials, the possibility is given that a defense counsel may call the defendant as witness on his own behalf; however, we may forego calling him. If the prosecution brings the affidavit of a defendant, then the defendant, who is really a witness of the defense, becomes a witness of the prosecution. The prosecution is quite capable to examine Herr von Schnitzler when he is called into the witness box by me as his defense counsel. I do not believe that the prosecution is entitled at this time to submit statements by Mr. von Schnitzler without having heard him himself and without having given him an opportunity to make statements about these former declarations. This question has already been discussed in other trials. May I mention that one of the presiding judges pointed out to the prosecution that this case had, so far, not arisen and that, according to his opinion, it was not usual to submit such affidavits.

May it please the Tribunal, I now come to the second point which is decisive, I believe. We are concerned with an affidavit here in which the prosecution or the former interrogators have caused Mr. von Schnitzler to make statements against himself. I believe that this is inadmissible. I refer to the American Constitution, that is, Amendment to the Constitution, Article V. I have given the English text of this article to the English interpreter and I myself shall read it in the German translation. Article V reads:

"No person shall be held to answer for a capital or otherwise infamous crime unless, on a presentment or indictment of a grand jury, excepting a case arising in the land or naval forces, or in the militia when in actual service, or in time of war, or public danger; nor shall any person be subject, for the same offense, to be twice put in jeopardy of life or limb; nor shall he be compelled,

in any criminal case, to be a witness against himself; nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation."

The decisive sentence is that nobody shall be compelled to make statements against himself.

In the book, "Federal Criminal Law", by William Atwell, it is stated to this point, on page 56, under paragraph 7, which bears the title "Witness against Self", I quote:

"That clause of Amendment V which declares that no persons shall be compelled, in any criminal case, to be a witness against himself, is not limited to the defendant. It is a privilege that can be claimed by any witness. There is nothing more barbarous than to compel disclosures which will degrade and convict the person so compelled."

We are here concerned with an affidavit or, in reality, a number of affidavits which are intended to have Mr. von Schnitzler testify against himself. I therefore ask the Tribunal to reject this affidavit because of my objection and reference to the American Constitution.

As a third point, I should like to complete my second point and point out the following. I take exception to the form in which these affidavits are compounded. I know that this is not the time to bring the proof; that this will have to be done later. However, in order to understand my train of thought, I should like to give you a few short details. On the 7th of May, 1945, the time at which these affidavits were compounded, Mr. Nixon, the member of the competent commission, said to Mr. von Schnitzler: "You shall be subject to any third degree measures, except physical torture." It was pointed out to him that he would be punished and that the interrogators had already complained that the interrogations were not sufficiently adequate. The treatment in the penitentiary at Pontesheim was of a nature to increase the physical and mental pressure on my client and it was such as to violate the sentence of the Constitution of the United States of America, and that we have to speak about such pressure in the sense of the Constitution.

May I insert here that I also make this objection on behalf of the defense counsel for the Defendant Ilgner at the same time? Ilgner has given a joint affidavit with von Schnitzler, as can be seen from page 17 of this affidavit, and this was done on the 15th of August, 1945. Ilgner was also in Pontesheim and the same details are applicable to him which I just mentioned. With Ilgner you have to take additionally into consideration that he was actually beaten. The treatment was so severe that one cannot speak of a free testimony.

I do not wish to give you all the details. For instance, the regrettable arrest of Herr von Schnitzler's wife, which influenced him mentally to such an extent that he was mentally no longer able to withstand such interrogations.

I should like to point out, furthermore, that in the interrogations here in Nurnberg too it was not pointed out to the person concerned that Herr von Schnitzler did not have to testify against himself, but that, on the other hand, it was pointed out to him that from former interrogations he could be held liable for perjury and that he might no longer be protected by the law. It was also pointed out to him that he was compelled to make statements by reason of the Rule #1 of the American Military Government, paragraph 33. This indication I consider inadmissible and wrong. This rule only tells about the duty to inform of each German, but does not deal with the testimony in trial procedure. Therefore, I am of the opinion that this affidavit must be rejected by reason of my objection.

This is not the time, and it is useless now, to point out all these spots in the affidavit which show already in the way they are worded how insecure and how mentally Mr. von Schnitzler was under pressure. I do not consider it correct that, in such a great proceedings, such an affidavit should be submitted as the foundation of the trial against which I cannot object at this time as far as the contents are concerned. The prosecution can later interrogate or examine Mr. von Schnitzler, but not introduce an incorrect, incomplete impression about the facts and the statements which Mr. von Schnitzler has made.

MR. DUFOIS: May it please the Tribunal, I first would like to make a few comments on the legal aspects raised here, and then have Mr. Sprecher explain to the Tribunal the manner in which the affidavits of the Defendant von Schnitzler were recently taken.

Now, first, I think there is considerable confusion in the minds of the defense counsel on the relationship between the American rule relating to self-incrimination and the question of the admissibility of an affidavit. Quite apart from the question as to whether the American Constitution and the American rules apply here, even assuming that certain American rules were to be applied here in the interest of the objectives for which they

were designed, it's clear, I believe, that no statement of this character would be inadmissible in the courts of the United States. Professor Whitmore gives a good summary of this distinction between statements given before a trial and the question of whether or not a witness can be called at the trial to testify against himself.

THE PRESIDENT: Counsel will pardon the interruption, but we don't believe anything would be accomplished by discussing with the Tribunal the application of the American principles, so far as the legal objection to the admission of this affidavit is concerned that you are discussing. In other words, this is not requiring the defendant to give evidence against himself. He may, throughout this trial and to the adjournment, sit mute in the box if he sees fit and the prosecution cannot call him to the stand, but this is in the nature of an admission which is an entirely different category and I feel, on behalf of the Tribunal, that you would help us most if you would discuss the factual situation here as to whether or not there was any coercion on this defendant in the taking of this affidavit.

MR. DUBOIS: I would like Mr. Sprecher to explain, in detail, just the manner and method of the taking of this affidavit.

MR. SPRECHER: May it please the Tribunal, Document #NI 5191, which appears on pages 107 and following in Document Book #2. I'm sorry. I didn't realize we had a new document book here. In Document Book #2.....

DR. PELCKLIANN (Defense Counsel for the Defendant Knieriem): I object formally to reference to a document from Document Book #2, since the entire defense counsel only received Document Book #2 yesterday in the afternoon and the twenty-four hour rule has not been observed.

THE PRESIDENT: Perhaps we can expedite matters a bit if the Tribunal may address an observation to counsel for the defendant who first spoke.

We have a very high regard for the integrity of counsel, and, on most matters, we take your word incidentally, but there certain features of

practice that here must be observed. There is nothing before this Tribunal at this time challenging the circumstances under which this affidavit was obtained. I may say that, assuming what counsel said about the defendant having been under restraint, there would have to be a formal showing to the Tribunal on that issue, before the Tribunal would feel free to interrupt the proceeding to go into what might be termed a collateral issue. If counsel can say to the Tribunal that he does, in good faith, wish to make a showing to this Tribunal, by a formal pleading, that this affidavit, now offered in evidence, was obtained under duress and coercion to such an extent that it is not the free and voluntary act of the defendant, the Tribunal will accord him an opportunity to make that showing in the protection of the fundamental rights of this defendant. Otherwise, we are clearly of the opinion that, as an admission, it is admissible, notwithstanding the fact that the defendant could not be called to testify against himself.

MR. SPIECHER: Your Honor, the document I was about to refer to before Dr. Pelckmann made his objection in the middle of a sentence I was making, was a statement of the Defendant von Schnitzler himself concerning the very circumstances under which the affidavits were taken in the year 1945, and the prosecution would particularly appreciate it, after it has been asked by the Tribunal to do something, to have a little leeway to try to comply as an officer of this court, so that we can really comply with your wishes without interruption.

Now, the affidavit which is embodied in NI 5191 does state to the Tribunal some of the circumstances under which the Defendant von Schnitzler was treated in 1945, from his point of view, and I do not see anything in that statement which would indicate that, at that time, there was any duress whatsoever upon the Defendant von Schnitzler. He was interrogated by representatives of the Allies over a long period of time. He claims that, on occasion, for a man of his age a number of things were done which were

not becoming, by American soldiers or by other persons in the jail. We do not wish to make this a forum for testing whether or not the Defendant von Schnitzler, at one time or other, had to scrub floors on his knees and skinned his knees, which is one of his claims, but the general statement as to how he worked at that time and the friendliness that he established between himself and the actual interrogators will appear in this statement, and I, unless you request it, do not intend to go into the details of it. But the main point that I wish to make is that, at the time this affidavit was made -- NI 5191 -- which was in March of this year, all these prior statements and affidavits -- many of them in the handwriting of the defendant von Schnitzler himself -- which he sometimes volunteered, which he sometimes was asked to make, concerning many topics -- these were all laid before the Defendant von Schnitzler again, in my presence, and he read from them as long as he chose and when he was done he made his further comments in an interrogation and, thereafter, from the record of the interrogation, which he also initialed, either the Defendant von Schnitzler or myself drew up some statements concerning further qualifications which the Defendant von Schnitzler had, concerning the statements he had made in 1945.

Now, Dr. Siemers did not honor us with any statements concerning any duress at that time, and I don't think that it is quite fair to say that this affidavit which we are introducing here which is an affidavit for March 1947 which merely incorporates by reference some statements made in the year of 1945, were obtained under duress. I think it is something of an uncalled for reference upon the American authorities as a whole, and we sincerely feel injured in that respect. Now we have really tried here to get before Your Honors the truth in this whole matter in the best way we know how. And we have this morning, I think, had perhaps about one half hour out of the total morning during which we could start to get before you certain facts which might lead towards the truth. I have hesitated myself to rise before that certain statements have been made this morning concerning the prior notice in the IMT. I had the very great honor of being here also. No references were made to the actual rulings and I certainly had some disagreements with some of the statements which were made. But I did not think it would be helpful to try to make this a forum for great debate concerning these general principles which allegedly had a certain fixed and final purpose in the I.M.T. And Your Honors, I have made myself available to all these defense counsel on all these matters whenever they have asked me any questions during the past several months; and I continue to do so in the very great hope that we would be able to save a lot of dilatory practice so that we can get forward with the evidence, which I trust is the purpose of all of us in this court room.

THE PRESIDENT: With due regard and due respect to the observation of the counsel for the prosecution, the Tribunal can hardly classify as dilatory the statement of reputable counsel that his client was coerced into signing an affidavit offered in evidence against him. The situation would not be aided by the fact that the affidavit might recite that it was freely given. For instance, if a man should sign an affidavit before Your Honors here, reciting that he freely and voluntarily made it and yet it was shown that he signed it at the point of a gun under threat of death if he did not sign it, the situation would not be aided by the fact that the affidavit recited that it was freely made.

I think we can bring this matter to focus by asking counsel for the defendant, as an officer of this court, if he feels that there is such a serious question with reference to his client having been coerced into signing this affidavit, that he would be justified in asking time to present it by written motion, verified by his client and raising an issue of fact as to whether or not the affidavit was freely executed.

DR. SIEMERS: May it please the Tribunal, the matter is not quite simple. Mr. Spredher is undoubtedly right when he says that one must make a distinction between those interrogations in 1945 and those in 1947. As far as I am able to overlook the complex state of affairs in 1945 as I already mentioned doubtful measures have been used. I emphasize that, as far as I can see, in 1947 in the interrogations here by the prosecution, all this is not applicable at all, that is to say such doubtful methods were not used, a fact of which I know quite clearly and which I did not expect in any different way from the prosecution.

However, I should like to object here to the fact that this is an affidavit which constitutes the confirmation between former affidavit and present affidavit and here I do not even overlook the details of the contents. It is extremely difficult, for the extent of this subject in itself is already very large. It is all submitted to me in German and the original is in English. If I believe that also the present proceedings of the interrogation do not agree with article 5 about the fundamental rights of my defendant, then I base this on the well known fact that in such matters an extreme mental pressure may exist and that what I am reciting here - which is only a part of the affidavit - refers to 1942 and only to the fact that the defendant has not been told: "You do not have to testify against yourself".

THE PRESIDENT: If counsel will pardon the interruption, the only matter now before the Tribunal is the admission of an affidavit dated 18 March 1947; and unless counsel is in a position to say that in good faith he wished to raise an issue as to whether or not his client was under coercion and restraint when he executed the affidavit of 18 March 1947, there is nothing before the Tribunal.

DR. SIEMERS: Mr. President, then I would like to ask you to be kind enough to see that the prosecution make available to me the original which is made in English and I be afforded the opportunity to look over the original and those originals from 1945, which I do not know and to discuss them with my client and to ask him about them. These are documents which have not yet been submitted here and then I would be able to inform the Tribunal definitely about my point of view.

THE PRESIDENT: The Tribunal deems that a reasonable

request and the prosecution will be asked for the time being to withdraw the offer of Exhibit 11 to afford for the time being to withdraw the offer of Exhibit 11 to afford counsel for the defense the opportunity to see original and to discuss the matter with his client to determine whether or not he wishes to raise an issue of fact as to whether the affiant was under coercion or restraint on 18 March 1947 when he executed the document.

MR. SPRECHER: Thank you, Dr. Siemers. Your Honor, I only want to talk a little about the procedural matter here, because we have made the German of these available and quite forgot that the original in this particular case was executed and did not take the special means necessary to see that an English copy was sent to the defense before the twenty-four-hour rule. Now, Your Honor, however, I did want to point out that most of the documents have been before defense in the German language for a long time and that any time the defense counsel would have wanted to ask for an English copy, I should have been very glad to have given him one, if this point was considered particularly important by Dr. Siemers when he received them or if his client was interested, we would have been very glad to give him copies, and I hope he will raise these matters at an earlier time after this.

DR. SIEMERS: Mr. Sprecher, please forgive me. I should have liked to do that, but according to my experience in the other trials, I could not expect that Mr. Schnitzler's affidavits would be submitted on the first day, but I had expected that in case affidavits would be submitted, this would be done when he was examined as it was done in other trials. Therefore, I did not believe speedy activities

would be necessary for getting an English copy, which I would have done otherwise and not here before the Tribunal.

THE PRESIDENT: The Tribunal deems the explanation of counsel sufficient. Let us pass on.

MR. DUBOIS: The Prosecution temporary withdraw the offer of NI-5196 and offers as prosecution exhibit 11....

THE PRESIDENT: I beg your pardon, but you have no exhibit 10. I don't know whether you meant to jump.

MR. DUBOIS: I am very sorry, I am very sorry, that is prosecution exhibit 10, NI-1184, which appears on page 80 of document book 1. This is an article which was written by Nonnenbruch, the economic expert of the "Völkischer Beobachter", which was the official Nazi organ, with a covering letter, sent to the Defendant von Schnitzler under the signature of Dr. Passarge. The letter being dated 8 August 1938, written at Berlin NW 7 office. Passarge being head of the 1st department of the Berlin NW 7 office. The letter to the Defendant von Schnitzler points out that the article was produced after Dr. Nonnenbruch had visited Leverkusen. "After personal relations between Nonnenbruch and myself had been improved at every available opportunity."

I will read a few excerpts from this document:

"What the chemical industry is today is evidence from the fact that it, above all, has succeeded in securing national independence with regard to raw materials, an accomplishment which, previously had frequently been considered impossible. One of the piers of the bridge across this 'impossible' is I.G. Farben. One could judge this enterprise as one wished and in a manner which formally was perhaps justified; now this enterprise is a bastion in

Germany's struggle for independence with regard to raw materials."

On page 3 of this document:

"It is important, however, that I.G. Farben, had it not been the major combine that it is, would not have been able to develop its chemical processes. What could we have done during the World war without artificial nitrogen? What would we do not without synthetic gasoline and synthetic rubber? And how restricted would be our hopes if we had not positive knowledge of new synthetic processes which will follow? These achievements confirm the necessity of major combines."

The prosecution offers this as exhibit 11.

THE PRESIDENT: I believe, Mr. Dubois, this would be a good time for us to adjourn for our lunch. The Tribunal will now rise.

(A recess was taken until 1330 hours).

AFTERNOON SESSION

(The Tribunal reconvened at 1330 hours)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: The Prosecution may proceed.

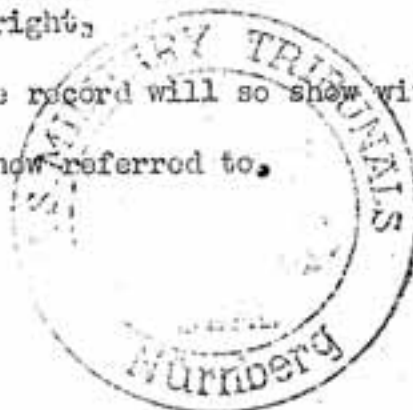
BEFORE you start, Mr. DuBois, I think I am personally responsible for getting a bit of confusion of the number of your exhibits. You have a document identified as NI-7765 at the bottom of your first page of your index to which an objection was made and sustained. That had a number 10, and I suspect for a future identification it should continue to bear 10; otherwise it would be impossible to identify it in the record, and with your permission I would suggest that we change what I led you into error this morning by denominating that No. 10, and on the next page of the index change the exhibit number that now stands 10 to 11.

MR. DU BOIS: Well, it is perfectly agreeable to me. I am just wondering whether or not it might not be that you would want the numbers according to the documents as they are actually received. That was what I thought you probably originally had in mind.

THE PRESIDENT: Well, I think there is this distinction: If an exhibit is withdrawn temporarily, then the number would likewise go, but if the exhibit is offered and an objection sustained to it, it seems to me that it ought to be identified so that in the future it may be located in the record.

MR. DU BOIS: All right.

THE PRESIDENT: The record will so show with reference to the numbers of the exhibits now referred to.



MR. DU BOIS: The Prosecution offers as Exhibit No. 12 NI-6763 which appears on page 85 of the document book. This is the text of a speech made by the defendant von Schnitzler, on the occasion of the reception of the Spanish Ambassador, and I would like to read from a portion of it.

DR. HOFFMAN: Hoffman for the defendant, von der Heyde.

Mr. President, I have one basic question to ask on this document. The Prosecution does not say against whom they intend to use this document. It might be offered against all defendants, against my client or against others. Many hundreds of documents will be offered in this trial. If the Prosecution does not decide to explain in detail against whom each document is intended, the work of the Defense will be enormous. We experience this in the medical trial where six hundred documents were offered and afterwards it could not be determined against whom these various documents were to be used. In the case against the Generals, the Tribunal ruled that the Prosecution when offering a document should always state against whom the document was directed.

Military Tribunal II when this question was brought up said that that was an excellent idea to specify against whom each individual document was intended, and I ask that the Prosecution be asked to do so in this case as well, that is to say, in respect to each individual document whether this document is intended against all the defendants or against individual defendants and which ones.

MR. DU BOIS: May it please the Court, we are offering

in evidence in this case many hundreds of documents and before we get through we believe that the pattern of all these documents will clearly indicate which defendants are and which defendants are not implicated by some particular document. To attempt to state that at this time with respect to each individual document is something that obviously could not be undertaken except to say that in most -- perhaps not all -- cases these documents will be used in evidence against all defendants. If obviously on the other hand at the end of the presentation of our case it is clear that certain documents do not apply to certain particular defendants, that will be an appropriate time for Defense Counsel to raise the issue.

THE PRESIDENT: Well, the fullest opportunity will be afforded Counsel for the Defense and Counsel for the Prosecution for that matter to summarize by way of argument, by brief, the application of these many documents that may be expected to be introduced. It would probably just further encumber the record which we are trying to simplify as far as possible to take the time and impose the obligation upon Counsel for either side to go into detail as to which particular defendant the exhibit applies, and as has been suggested, it may not apply to any one and thereby is subject to be stricken.

I believe that we would complicate rather than to simplify our procedure by imposing that obligation on the Counsel for the Prosecution in view of the fact that the Tribunal has in mind affording both sides an opportunity at the conclusion of the evidence to show the application of the various exhibits to the respective defendants.

The objection will be overruled.

MR. DU BOIS: I call particular attention to the statement on page 2 of this document,

"but not until wartime came was the German chemistry able to stand the great test of its excellence. It is no exaggeration to say that without the accomplishments effected by German chemistry under the Four Year Plan, modern warfare could not at all be ~~possible~~." ~~responsible~~

As Exhibit No. 13 the Prosecution offers WI-5524 appearing on page 69 of the document book in which is an affidavit of the defendant, Brauch, of 29 April 1947 on nitrogen in ~~loric~~ ~~or~~ 1 and synthetic gasoline production.

DR. ROETTCHER: Mr. President --

THE PRESIDENT: Pardon me, Counsel, may we remind you of the necessity of identification of yourself for the sake of the record. Other wise the reporter and the sound track will not disclose who is addressing the Court.

DR. ROETTCHER: Dr. Roettcher.

Mr. President, with regard to the discussion of the question of whether the affidavits of the defendant, von Schützler, are to be ~~the~~ accepted or not, if I understood this discussion correctly, basic objections were raised whether affidavits of defendants are to be accepted at all. Therefore, quite aside from the contents of this affidavit of my client, I take the liberty of making the basic objection which Dr. Siemers also made.

MR. DU BOIS: May it please the Tribunal, we have a number of affidavits of the Defendants. As I understood the ruling of the Tribunal it was that those affidavits were admissible as admissions unless it could be shown that they were taken under such circumstances of duress

as might lead to question as to their validity. Accordingly it seems to me that any objections which are made to the affidavits of those defendants should be solely on that basis, and if the Defense Counsel has any question on any of those affidavits as to the circumstances under which they were taken, the Prosecution feels it entitled that the Defense Counsel make very clear its position in this matter.

THE PRESIDENT: The Tribunal did not undertake to say that affidavits in all cases were admissible. There might be many objections, but as against the objection that to admit the affidavit would put the defendant in the position of testifying against himself in violation of fundamental rights, we simply said that admissions are not within the category of fundamental rights to the extent that a defendant may not be called to testify against himself. Recognizing the fact that a defendant may not be compelled to offer evidence against himself, it is very generally held that admission of his voluntary statements does not violate that principle. That is as far as we intended to go, and I believe perhaps that that is an answer to the question that Counsel for the defendant has propounded to us at this time.

DR. BECHTOLD: Then from this point of view I have no objection to this Krauch affidavit.

MR. DU BOIS: As Prosecution Exhibit No. 14, I offer NI-4043. It appears on page 98 of the document book which is correspondence between Himmler on the one hand and Speer, the Reich Minister for Armament and War Production, on the other in which there is a discussion

of the question of undertaking tests of what was referred to as "N. Product" which was a material for incendiary bombs, and initially the question was as to whether or not the "N. Product" should be tested by the Waffen-SS; and in the letter to Himmler, which appears on page 1, of 26 July 1944 we call special attention to the paragraph on page 29 in which it is stated:

"I do, however, regret that in the course of the Four Year Plan no competitive firm of the I. G. Farben concern was established, as with the Hermann Goering Works. This would have been easily possible at the time when the numerous new plants of the Four Year Plan were established.

"Nowadays we depend entirely upon the work of I. G. Farben for chemical progress."

As Exhibit No. 15 we offer NL-4971 which appears on page 101 of the document book which is a letter to the Reich Minister of Economics under date of 3 July 1942 signed by the defendant, Ambros and Heintzeler, and we call special attention to the paragraph starting at the bottom of 101 which relates to the discussion of the question of taking over of certain Buna-processes that they came across, in their words, in Soviet Russia. This statement reads in part:

"During the discussion of experts that followed, the representatives of your Ministry thought they were unable to give their full consent to the exclusive surrender of Soviet Russian manufacturing methods for our utilization within the territory of the Greater German Reich as desired by us, requesting that we state our reasons in a special memorandum why we considered it best

that the Reich renounce its claim to utilize these manufacturing methods and experiences within Germany. Our reasons are as follows:

"As you know, I. G. Farben at considerable cost in labor and money has started to develop Buna in such good time and at the risk of private funds has established large plants for the manufacture of Buna to such an extent that the amount of rubber requested for the war by the German Army and German economy can be met. In view of the services rendered by I. G. Farben to the Reich, we do not think it fair if the Reich were now to enter into competition with I. G. Farben in Germany over the utilization of manufacturing methods by using those methods found in Soviet Russia. No more so since these methods can be made workable for the Reich through the intermediary of those experts only whom I. G. Farben has put at the disposal of the Reich for that purpose."

We come now to Document Book No. II.

MR. BOETTCHER: Mr. President, Dr. Pelckmann this morning when the Prosecution referred to a document from Document Book II pointed out that this Document Book II was sent to us only yesterday afternoon after the session at five-thirty. The twenty-four hour time period has not passed which has to be observed, and I believe I am speaking in the name of my colleagues when I say that we have not had an opportunity to look at this document book yet and certainly have not had any opportunity to discuss it with the defendants. I therefore believe that it cannot be discussed today.

MR. SPRECHER: Your Honors, Document Book II was delivered to the Defense Information Center yesterday morning at 11:00 hours. Now it does comply with the twenty-four hour rule, although we must admit that we would much prefer had the document book as such been there before that time, because it would have made it easier for the Defense and all concerned.

I do want to point out that almost all of the documents in Document Book II have as individual documents been in the hands of the defendants for periods varying from one week to more than one month, and I think

that the rule generally runs toward an individual document which has been made available to them rather than this particular order of documents. We are hoping that with the mechanical problems that we have with this many courts running and with the administrative people attempting to maintain all these documents books for the various courts that we can get the document books to the Defense Center before a bare meeting of the twenty-four hour rule which is all that we can claim in this circumstance.

THE PRESIDENT: May we inquire, Dr. Boettcher, if it is true that Counsel for the defendants have had the individual documents for some time and an opportunity to examine them, or are you standing on the proposition that only the book of documents was not delivered to you until yesterday afternoon?

DR. BOETTCHER: I cannot answer this question, Mr. President, since I have not yet had any opportunity to compare and to determine which documents are in Document Book II and which of these documents I have had in my possession before. In order to determine this, I have to compare the numbers from the index with the documents which were given to me earlier, and since the session lasted until five-thirty yesterday and I saw the defendant at six—excuse me for describing all this—but at eight or eight-thirty I had to eat my mealy supper, and at ten o'clock I discussed important questions with Professor Wahl, it was physically impossible for me to compare this list of document numbers. Please don't consider this as evidence of bad intention, but I believe I am describing the situation which all the defendants and all the Defense Counsel face. We all have the best of intentions of hastening the proceedings as much as possible, but often it is physically impossible.

MR. DuBOIS: If Your Honors please, there are quite a few documents in this document book which were not delivered before. So far as the Prosecution is concerned, if the Defense feel they are prejudiced

by these few documents, we would consent to a temporary adjournment.

THE PRESIDENT: Well, that may not reach the problem that Counsel for the Defense has stated. I am wondering if they had any notice of the fact that the documents that are about to be introduced were in or to be in Document Book II so that they had timely advice that this was the occasion for the offering of those exhibits in order to have their objections in hand.

MR. DuBOIS: No. No, they did not. That is right, and, as I say, I am pointing out the additional fact that there were a few documents in here which they had not even gotten before, and that in view of the circumstances, we would consent to an adjournment until tomorrow morning.

THE PRESIDENT: The Tribunal regrets very much the necessity of adjourning, but it is impressed with the thought that there is much merit in the position taken by Counsel for the defense, and we are going to adjourn at this time until tomorrow morning at nine-thirty. However, may we inquire if steps have been taken to avoid insofar as possible a repetition of this situation?

MR. DuBOIS: I understand, Your Honor, that Document Books II, III, IV and V have been delivered to the Defense Information Center, and I would like to inquire how whether all Defense Counsel have received those document books?

MR. BOETTCHER (Counsel for defendant Krauch): Mr. President, I can answer that question; they have received them, but if I may take up your expression, Mr. President, this does not reach the problem because we need time to work through these four document books. We need time to discuss them with the defendants, and I do not believe that if we are given three of four document books on one day that twenty-four hours later we will be able to make any statement on them. And I do not believe, Mr. President--if you will permit me to carry out the problem a little further--that if we have a session here in the morning and in the afternoon, and have only from six to eight in the evening--I don't believe that we can guarantee being able to discuss even one document book in an evening with the defendants. Most of these defendants are elderly men--they are about sixty; they are suffering the consequences of imprisonment. I don't believe that after a session which lasts all day they will be able to explain the documents to their counsel from six to eight in the evening so that on the next morning we will be able to comment on the documents.

This is improvised, but I ask my friends among the Defense counsel whether or not I am right.

THE PRESIDENT: The Tribunal feels that there is much merit in what counsel has said, with respect to the fact that the defendants might be much handicapped in continuing the session today. But we deem it a sufficient answer to the application for any further delay that by the undisputed facts the requirements of the 24-hour rule have been met, if we do adjourn until tomorrow.

I think under the circumstances we shall have to take the position that counsel's observation is well taken so far as further proceedings today are concerned. But we must get along in this case. The requirements of the rule have been met with reference to the five books tomorrow, and we will now adjourn until nine-thirty tomorrow morning and expect to continue on through the

day.

Then I must say, while we are on that subject, that Monday is a generally observed holiday with American people, and we do have in mind adjourning over until Tuesday morning, which will give you a bit more time to prepare for the exhibits that are not offered tomorrow.

In view of the situation, the Tribunal will now rise until nine-thirty o'clock tomorrow morning.

(The Tribunal adjourned until 29 Aug. 1947, at 0930 hours.)

Official Transcript of the American Military
Tribunal VI in the matter of the United States
of America against KARL KRAUCH, et al, defendants,
sitting at Nurnberg, Germany, on 29 August 1947,
0930, Justice Shake presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI.
Military Tribunal VI is now in session. God Save the United States
of America and this Honorable Tribunal.

There will be order in the court.

THE PRESIDENT: Marshal, are the defendants in the dock?

THE MARSHAL: May it please Your Honor, all the defendants are
present save the defendants Schmitz, Wurster, and Brueggmann who
are absent due to illness.

THE PRESIDENT: Is counsel for the defendant Schmitz present?

DR. BOETICHER: I am his counsel, yes sir.

THE PRESIDENT: Very well. The Prosecution may proceed with the
presentation of its case.

MR. DUBOIS: Before proceeding with the introduction of the docu-
ments contained in Document Book 2, Prosecution would like to call
the attention of the Tribunal to the fact that several of these docu-
ments in this book are affidavits of persons who could be brought to
Nurnberg within a few days to testify, if that were deemed necessary.
In view of the ruling which was made by the Tribunal yesterday concern-
ing the affidavit of Paul Otto Schmidt, Prosecution would like to point
out the following at this time.

In obtaining the evidence to be offered before this Tribunal,
a number of former employees of I.G. Farben have submitted many affi-
davits covering different subject matters. For instance, Ernst Struss,
who was formerly chief of the office of the technical committee and
secretary of the technical committee of the Vorstand, has furnished
the Prosecution with a minimum of thirty affidavits on various phases
of Farben's activity, which affidavits are based primarily on the books

and records of Farben. Weskott, chief of the office of the central committee, has furnished probably twenty affidavits on positions held by various defendants as set forth in the personnel records of Farben. Paul Dencker, who was chief manager of the central bookkeeping department since 1931, has also furnished the Prosecution with a number of affidavits based on Farben's records.

At least fifteen former employees of Farben have furnished affidavits and certificates based on Farben's records which were within their field of activity, and also, in some cases, based on personal knowledge of matters falling peculiarly within their sphere of activity. These persons, by virtue of their long associations with Farben and with these particular defendants, are naturally, potentially, hostile witnesses. The affidavits submitted by this particular category of persons cover a great variety of subjects and all phases of the charges contained in this indictment, particularly under Count One.

For the Prosecution to be required to put these affiants on the stand with respect to the contents of each affidavit is, we submit, not only unnecessary to guarantee the defendants protection of their fundamental rights but also, we submit, would unduly prolong this trial.

In our opinion, the interests of the defendants would be amply protected if the affidavits were admitted subject to the right of the Defense counsel to call the affiant at an appropriate time -- at least after the submission of all the evidence relating primarily to Count one, or at such other time as the Tribunal may deem appropriate. We believe we understand the reasons underlying the Tribunal's ruling in the case of Paul Otto Schmidt, and along with the reason, as we understand it, we do not propose to offer the affidavit of Werner Hagert contained in Document Book 2, numbered NI-9052, without calling

him as a witness. He was deputy in the economic group chemical industry, and we expect to call him as a witness early next week.

The Prosecution recognizes that it is difficult to draw a hard and fast line. However, we submit that the affidavits and certificates of people such as Hagert are one extreme, whereas the affidavits of Farben employees are at the other extreme.

We suggest to the Tribunal, therefore, that it announce the general rule that affidavits of non-defendants be admitted subject to the right of Defense counsel to submit written interrogatories or to summon them later on the particular subject matter of the particular affidavit.

Unless, in the opinion of the Tribunal, the affidavit is of such a nature that its admission in a particular case without the presence of the affiant in court would prejudice a fundamental right of the defendant, we believe that such a ruling would be in line with the provisions of Ordinance VII which specifically refer to the admission of affidavits; and with the provision of that same ordinance relating to the expediting of trials, and the fact that these Tribunals should not be bound by technical rules of evidence. It is a familiar practice, as I understand it, before administrative tribunals to apply non-technical rules of evidence, the purpose of which, at least under administrative laws, is to expedite the procedure.

By virtue of the fact that no jury is sitting and because an administrative board is composed of experts, it is felt that matters of evidence will be given their due weight by such experts; and we respectfully suggest that this be a guide to this Tribunal and I believe that an examination of the rulings of the various other military tribunals on this point would indicate that such a position by this tribunal would be in line with a position which has generally been taken by these other tribunals.

DR. BOETTCHER (Counsel for defendant Krauch): Mr. President, may I first of all point out that, according to my opinion, the translation has not been quite understandable to us. We are concerned here with fundamental questions of the forthcoming procedure; how affidavits by employees of Farben are to be treated. The translation, as far as I understood it, confounded at various times the terms defendants and employees, and so I must state at the present time that I did not understand the sense of what the Prosecutor has said.

Therefore, I cannot give you any binding statement at this time.

THE PRESIDENT: May the Tribunal inquire of the Prosecution if you have in hand sufficient material to take up the forenoon session today without passing upon this matter, in order that counsel for the Defense may have the benefit of the translation of the record and an opportunity to answer?

MR. DU BOIS: Well, we will be perfectly satisfied to go forward with whatever documents are in this book.

THE PRESIDENT: If that may be done, in the meanwhile counsel for the Defense will have an opportunity to familiarize themselves with the remarks of the Prosecution, and at some subsequent session we can complete the hearing of this matter and make some determination on it.

MR. DU BOIS: Our suggestion is that we discuss this possibly sometime today with the Defense counsel. We did not understand you to mean that we should wait for the record.

THE PRESIDENT: No no; I mean, wait until they have an opportunity to familiarize themselves with what your observations were.

MR. DU BOIS: I will offer then first, as Exhibit No. 16, NI-6234, which appears on page 52 of Document Book 2, which is an affidavit by the defendant Buotefisch relating to the control and ownership by Farben of the Dynamit-Nobel explosives concern in Germany.

As Exhibit No. 17 we offer NI-5827 which appears on page five of the document book and which is a contract of 24 September, 1936, between Farben and DAG.

MR. BOETTCHER (Counsel for defendant Krauch): Mr. President, the submission of Buotefisch's affidavit again touches upon the fundamental question of whether affidavits of the defendants can be accepted or not. May I remind you respectfully that I have asked this question already when Krauch's affidavit was submitted, the Tribunal did not make a decision at the time, and I did not object to the contents of this affidavit. However, this is the state of affairs:

The Prosecution submits these affidavits as incriminating material and therefore the decisive question arises: should these affidavits which incriminate the defendant be accepted or not?

Mr. President, last night we have thought about this question in detail and I was delegated to give you the following fundamental

explanation so that they can be incorporated into the record as the legal concept of the Defense. As I have already stated, one must distinguish between those affidavits which incriminate the defendant himself and those which incriminate other defendants. This difference is also drawn by Article 5 of Ordinance No. VII, which, in subparagraph b, gives authority to the Tribunal to "interrogate any defendant who takes the stand to testify in his own behalf, or who is called to testify regarding another defendant."

One must be clear in this, however. A statement of one defendant which at the same time incriminates himself as well as other defendants will have to be classified as self-incriminatory evidence. For such self-incrimination American trial procedure contains in amendment No. 5, of the constitution that they can "by those means not be compelled nor shall be compelled in any criminal case to be a witness against himself."

That prohibition, it is evident, has been violated if the defendant's will to testify has been influenced in such a way as precludes a truly voluntary testimony. The more fundamental question, however, is this question: whether, in view of the significance of the trial "voluntariness" should not also be required for the trial itself according to American law.

The ordinance No. 7, which I have quoted, is in the sense of such an interpretation. It entitles the Tribunal to interrogate any defendant who takes the stand to testify and it does not grant the right to a defendant to testify who has previously been ready to make a statement about the subject of incrimination. The right of the defendant to refuse to make any statements during the trial about the subject of the trial is illusory, therefore, if, with the aid of former affidavits, the same evidence could be produced as if the defendant would now be ready to testify in the course of the trial and testify to the subject of the affidavit.

It is the principle of Anglo-Saxon procedure that the defendant may refuse to make any statements about the matter concerned in the trial. It is against this principle if evidence in the form of affidavits and interrogations are used against the objection of the defendants, if it is used as a substitute for a testimony which the defendants have made.

Any other concept would violate the principle of the constitution of the United States that nobody shall be compelled to incriminate himself.

The following must be additionally considered. I am grateful to the Tribunal for the decision it has rendered in the case of Ambassador Paul Schmidt. It cannot be reconciled with the rules of evidence that "the best evidence" is to be applied if, in case of a witness which can be produced without any difficulty, his affidavit were to be submitted. And even less can an affidavit of a defendant present in the courtroom replace his testimony in the witness box.

If an affidavit of a defendant is concerned which incriminates his co-defendants, then this point of view which has been recognized for the case of Schmidt is even more decisive here; for then the defendant is an incriminatory witness against the co-defendants. The co-defendants can ask, therefore, just as the constitution assumes, in Article 6, that they "be confronted with the witness against themselves". That is to say, it is even less possible in this case to introduce as evidence the material which is submitted in the form of an affidavit.

All these statements are applicable even if the affidavits themselves have originated from the uninfluenced and voluntary will of the defendants. Whether this prerequisite is necessary or has been meant in all cases is another question which is not important, however, in view of the previously stated matter.

Ordinance No. 1 of Military Government, Article 33, charges every German with the duty that, if the occupying authority desires, to give information; if they refuse such information they are liable to severe punishment. If somebody has given information under the influence of such punishment without knowing that such information may be used in the trial against himself, one can certainly not speak of a voluntary introduction of witnesses in the trial procedure which he had later conducted against himself.

MR. DUBOIS: The Prosecution understood the Tribunal had ruled on this question yesterday and that the only issue in this type of situation was the question of whether or not duress had been used.

THE PRESIDENT: The Tribunal regrets that it did not make its observations clear yesterday. To state again: It is the view of the Tribunal that proof of the admissions of a defendant, whether made in the form of an affidavit or otherwise, do not violate the rule against self-incrimination which protects a defendant from being obligated to testify against his own interest on the trial.

The objection is overruled.

MR. DUBOIS: The prosecution has just offered NI-5827 as Exhibit 17. As Exhibit No. 18 prosecution offers NI-5197 appearing on page 67 of Document Book 2, which is an affidavit of the defendant von Schnitzler of 27 March 1947 and shows generally the importance of I.G. Farben in its position in the German economic life. I would like to read a part from this affidavit, page 72:

"All the German industries were mobilized in summer 1939 and in summer 1939 the Wirtschaftsgruppe Chemie issued an order that the plans for war were in action. In June or July 1939 I.G. and all heavy industries as well-----"

DR. BOETTCHER: Dr. Boettcher. I am extremely sorry and I am distressed to say that we cannot follow the proceedings that way. First of all, the numbers do not seem to be in accordance with each other and then please put yourself into the place of the defendants. One cannot expect them to know the numbers by heart for if my respected colleague of the prosecution only quotes the numbers of these bases of evidence without giving any indication of their contents then the defendants who are concerned here for their lives -- they cannot possibly see what's at stake. In addition, we must not lose sight of the principle of a public trial, Therefore-----

THE PRESIDENT: It's apparent to the Tribunal there's quite some confusion with reference to the documents in this case. We shall be off the record momentarily until the staff locates these certain documents and then we will proceed. Does counsel for the defendant wish to be heard? Does counsel for the defendant wish to present something?

DR. HOFFMANN: Yes, sir. Mr. President, Dr. Hoffmann, counsel for the defendant von der Heyde. If I understood you correctly, then an affidavit of the defendant von Schnitzler is to be read. In this affidavit general statements are contained also about a position and an agency in which my defendant was active in Berlin. The statements which von Schnitzler has made in this affidavit are false, in my opinion. Yesterday we already discussed von Schnitzler's affidavits and if I understood the

Tribunal correctly these affidavits of von Schnitzler were not accepted. First of all, up to the point when the defense counsel of von Schnitzler can give reasons why the defendant had to give his affidavit under duress, it would be appreciated if the prosecution would not offer this affidavit now, which is in connection with the others. After all, until a decision has been rendered about the admissibility or inadmissibility of the affidavits, if the prosecution should not be ready to forego reading this document, then I should like to ask the Tribunal to make a decision and to forbid reading this affidavit until the motion of admissibility or inadmissibility of Schnitzler's affidavits has been decided upon.

MR. DUBOIS: This affidavit of the defendant von Schnitzler has been offered in evidence by the prosecution. I believe the ruling of the Tribunal as to the nature of the objections to an affidavit has been made clear and if Dr. Siemers has any objection to this affidavit in line with the ruling of the Tribunal he can make it now. Otherwise the prosecution offers this and asks that it be accepted as Exhibit No. 18, and we also request if Dr. Siemers wants to object he should make his position very clear.

DR. SIEMERS: May it please the Tribunal----

THE PRESIDENT: State your name, Doctor, for the record, please.

DR. SIEMERS: Dr. Siemers. May it please the Tribunal, may I make this suggestion -- to read this affidavit in the same manner as yesterday's affidavit was read and so permit me to discuss the two together in the written motion which I shall make to the Tribunal? I only should like to request as I did yesterday for the prosecution to let me have this affidavit also in the English original since a few spots have to be compared and I should like to ask further to give me these affidavits which were the bases for the other affidavit from 1945. I only want to point out one more thing: One page 23 of this affidavit an interrogation is reproduced of the defendant von Schnitzler and of Dr. Ilgner where both gentlemen answered alternatively. I should like to ask that this document which was incorporated into this affidavit should also be submitted to

me by Mr. Sprecher in its original form so that I shall be able to have those documents which I need to make my written application. I am sure that everybody will cooperate with me in this matter.

MR. DUBOIS: As I see it, the issue here is whether or not Dr. Siemers is going to contend there was duress used in getting these affidavits. The prosecution would like to inquire now of Dr. Siemers whether he has discussed this question with the defendant von Schnitzler as yet and if he hasn't when he expects to discuss it with him and what at present is his view with respect to that particular question.

THE PRESIDENT: Perhaps we can save a bit of time. The Tribunal was in the hope and the expectation that we might be advised by this time as to whether or not it would be the position of counsel for the defendant von Schnitzler that the affidavit offered yesterday, and the same now applies to the one presently offered, were or were not obtained by duress. Manifestly, if it is presented to the Tribunal that these are not the free and voluntary affidavits of the defendant, that raises an issue which would, of necessity, have to be inquired into. However, we recognize also that this is an interruption in the course of the presentation of the prosecution's case and I believe that it would be warranted to say to counsel for the defendant von Schnitzler that if there is to be an issue to the effect that the affidavit offered yesterday and the one now offered were obtained under coercion and duress and for that reason are not admissible we shall expect that a formal motion verified to that effect is presented at the next session of the Tribunal which will be next Tuesday morning. In the meantime we suggest to counsel for the prosecution that you pass your offered Exhibit 18 for the time being.

MR. NATH: Dr. Nath for the defendant Dr. Max Ilgner. Mr. President, before the prosecutor reads the affidavit, I should like to point out the following to the Tribunal---

THE PRESIDENT: Pardon me, counsel, but under the ruling of the Tribunal just made the prosecutor will not read the affidavit at this time and that may obviate the necessity of your remarks. We have just

indicated that we are asking the prosecution to pass this affidavit until the next session of the Tribunal in order to afford the counsel for the defendant von Schnitzler an opportunity to decide and to file, if he so desires, his attack upon the affidavit upon the ground of duress and coercion.

DR. MATH: Mr. President, I make a formal objection and must explain this briefly to the Tribunal. In this affidavit two gentlemen were interrogated---

THE PRESIDENT: Again it is necessary for the Tribunal to say to counsel that the affidavit is not presently before the Tribunal. It's in the possession of the prosecution. It has not yet been offered in evidence. It will not be offered until the next session of the Tribunal at the earliest.

DR. MATH: Thank you very much.

MR. DUBOIS: The Prosecution offers as Exhibit 18 NI-6529, appearing on page 119 of the Document Book 2, which is an address by the defendant von Schnitzler.

THE PRESIDENT: Pardon me, Mr. Prosecutor, you had designated for the purpose of offering the document marked NI-5197 as your number 18. Would it not be more consistent to let it stand with that number until that matter is passed.

MR. DUBOIS: It can. This is the case you asked, if I recall, we withdraw it and is in the other Schnitzler affidavit. We did not give it a number, if I recall.

THE PRESIDENT: It's correct but this document NI-5197 is held in abeyance and is not withdrawn so perhaps it would be less confusing if you would let it stand at 18.

MR. DUBOIS: As Exhibit No. 19 we offer NI-6529 which is a speech by the defendant von Schnitzler in the chemical industry of Germany appearing in the "Von Werk zu Werk" which was a monthly publication of I.G. Farben's Workers Community at Ludwigshafen, issue of August 1938. It appears in the English Book at page 120 and in the German Book at page 113. That's a part that I will read from:

"The importance of chemistry is to-day acknowledged all over the world. Branches of chemical industry are, therefore, found in practically all countries. They serve mostly to improve technical production capacity, to promote export and as a foundation for their war economy.

On top of all that chemical industry has become, for German political economy, an economic factor of positively fundamental importance. It is not confined to perfecting technical possibilities or making the best of existing resources, therefore making life more beautiful and more pleasant, but it creates so to speak the sources of supply for our people, thereby laying the foundation of its very existence. This development was caused largely by the world war and its disastrous consequences for Germany. Important

sources of raw material were at that time taken from Germany through the loss of her colonies and other territories. Germany was cut off from the raw material resources of the world and left to her own home resources. Chemical science thereby became the sole and indispensable means of alleviating the shortage of raw materials. These tasks of the German chemical industry have received a tremendous new impulse through the Four Years' Plan of our Fuehrer Adolf Hitler which is known to you. In the insufficiency of natural resources, it is up to chemical science to guarantee to our people their freedom of economic action. It is its task to procure what nature does not give us in adequate quantity or in useable form. In the way of chemical conversion, thousands of valuable new materials are thus created from raw materials, of which there is an ample supply such as water, air and coal.

In the deficiency of natural resources lies the real reason for the unique development of the chemical industry in Germany, and it is by no means an accident that Germany should have given to the world as her special contribution in the field of chemical technology synthetic materials made from these very elements which are common and of little value. It can indeed be said that it was precisely the prevailing deficiency of raw materials which has again and again spurred the chemical industry of Germany on to new discoveries and technical achievements. Therein lies, despite the narrow confines of our German Lebensraum, an undoubted asset, and it is becoming ever more apparent that certain advantages can be derived from this situation which are beyond the reach of a nation, which because of an abundance of natural resources is not constrained to make the same effort."

MR. DUBOIS: And a little further down on that page:

"It is only natural that the political revolution of Germany in 1933 should also have had some effect on Science. But the view,

occasionally voiced abroad, that the leaders of the National Socialist State underestimate the importance of Science and research, involves a complete misreading of the facts. Exactly the contrary is true."

MR. DUBOIS: As Exhibit No. 20 the prosecution offers NI-6528 which appears on page 123 of the English Document Book and 118 in the German Document Book It's an extract from an article by Dr. Bruno Kiesewetter, Professor Political Science entitled: "The New Tasks of German National Economy " and dealing with Germany's work in raw materials.

As Exhibit No. 21 Prosecution offers NI-7276 which appears on page 125 of the English Document Book, page 122 of the German Document Book which is a speech by Adolf Hitler of 1 May 1937 appearing in the magazine of the Four Year Plan which is aperiodical of the National Socialist Political Economy, the issue of May 1937.

As Prosecution Exhibit No. 22 we offer NI-6628 which appears on page 126 of the English Document Book, page 123 of the German Document Book which is a speech by the defendant Krauch on the problem of training in science and engineering and which we will read from in part. First on page 126 in the English Book and 123 in the German Book.

"The German people is forced to live in much too restricted a space. Exclusion from the possession of the world's sources of raw materials compels us to produce the materials necessary for her national security by chemical means from her own resources -- from coal, salts, lime and other materials, as well as from air and water. That is the purport of the Four-Year Plan, as described by the Fuehrer in the words: "I present this today as the new Four-Year-Program. In four years, Germany must be completely independent, as far as concerns all those materials from abroad which it is in anyway possible for German skill to produce through our chemical and engineering industries and throughour mining industry itself".

"The economic progress achieved by the National Socialist leadership, and rearmament has absorbed for practical ends all that was available in the field of technical and chemical training. In order to judge the future development, let us start by considering how the young man, standing on the threshold of his career, today views his future: The high school senior, who belongs to the Hitler Youth, the SS or the SA, acquires there, as in school, an earnest sense of responsibility which induces him to consider it his duty to devote his life and his work to the building up and the progress of his Fatherland."

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As Prosecution Exhibit 23, we offer NI-6815 which appears on page 131 of the English document book and 133 of the German document book, which is excerpts from the "Frankfurter Zeitung" bearing Goering's speech on the Four Year Plan. It contains an editorial on Goering's speech stressing the importance of synthetic nitrogen and gasoline production.

Now, as Prosecution Exhibit 24, we ask that judicial notice be taken of an excerpt from an official United States Government report, United States Strategic Bombing Survey, January, 1947, of which the first paragraph reads:

"Wartime Germany was a chemical empire built on coal, air, and water. Eighty-four and a half per cent of her aviation fuel, 85 per cent of her motor gasoline, all but a fraction of 1 per cent of her rubber, 100 per cent of the concentrated nitric acid, basic component of all military explosives, and 99 per cent of her equally important methanol were synthesized from these three fundamental raw materials."

I believe that, so far as Document Book #2 is concerned that covers all the documents, with the exception of the von Schnitzler affidavits and the documents which are based on affidavits of Farben employees which we were discussing the first thing this morning.

I ask not that Mr. Anchan proceed with Document Book #7

MR. ANCHAN: If Your Honors please, Mr. Anchan appearing for the prosecution.

With respect to Book 3 I'd like to call attention, initially, to a mechanical error. On the second page of the index to the document book appears an affidavit of von Schroeder dated 5 December 1945. It is identified as P3

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3373 in the book. That is a typographical error. The correct identification should be PS 3337, and I have handed to the Secretary the correct copies of the document referred to. The description in the index to the document book, however, of the affidavit is correct.

Just one other typographical error. On page 3 of the table of contents, Document NI 5766 is indicated as being an affidavit of Wilhelm Keppler of 9 May 1947. The correct identification number should be NI 6766.

Now, of Your Honors please, the documents which we intend to submit in evidence under Book 3 relate to paragraphs 6 through 13 of the indictment, and the documents will be offered in support of the charges made in those paragraphs. Generally, the paragraphs referred to indicate what the political situation was in Germany at the time when the prosecution charges Farben and these defendants formed an alliance with Hitler. I believe it would also be helpful to Your Honors to refer to that portion of the opening address which deals with this subject matter, and that is page 26 through page 30 of the prosecution's opening address relating the facts as to the beginning of the alliance between I.G. Farben and Hitler.

As Prosecution Exhibit 25 we offer in evidence Document PS 2514 which is an excerpt from the German statistical year book concerning statistics on the results of the Reichstag elections between 1913 and 1933, showing the political strength of the Nazi Party during the periods involved.

If Your Honors, please, we think it would be helpful at this time to direct Your Honors' attention and ask Your Honors to take judicial notice of the opinion of the Military Tribunal, the International Military Tribunal

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and at page 176 of the official record in the printed blue book.

THE PRESIDENT: What volume?

MR. AMCHAN: Volume I, under the subject matter of "Seizure of Power", the International Military Tribunal recites the facts which it found in connection with the political situation existing at that time.

I offer now as Exhibit 26 for the prosecution, NI 4833 which appear on page 4 of the English document book, and is an affidavit of Gattineau, the defendant Gattineau, of 13 March 1947. Now, I might say that the next four documents which I shall offer.....

DR. ASCHENAUER (Defense Counsel for defendant Gattineau): Mr. President,.....

MR. AMCHAN: One moment, please, until I finish.

I might say that the next four documents, which I propose to offer, relate to the subject matter of the conference between Gattineau and Bueteftish and Hitler on behalf of I.G. Now, we offer now the affidavit of Gattineau, NI 4833, in evidence.

DR. ASCHENAUER: Mr. President, my name is Aschenauer, Defense Counsel for Gattineau.

I object to the submission of the affidavit of the defendant Gattineau. The affidavit was obtained under coercion and the following are the circumstances, in the beginning of March.....

THE PRESIDENT: (Interrupting): Just a moment.

If there is to be a contention that the affidavit was made under coercion, there should be a formal pleading, executed by or in behalf of the defendant, filed in the cause, because it would raise an issue of fact which would

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have to be tried independently of the major purpose of the trial. If counsel is in position to say that he will promptly file such an attack upon this offered exhibit, we shall ask the prosecution to pass it and fix a time within the attack is to be filed.

Does counsel for the defense now say that such an attack will be made upon this affidavit? That is, that it was obtained under coercion or restraint of such a character to affect its admissibility?

DR. ASCHENAUER: I want to say that the affidavit was made under duress. The defendant Gattineau was threatened and, for this reason, did not make it voluntarily. If the Tribunal wishes that I make a written statement, I shall do that later, but I should like to ask you to defer decision about the admissibility of the affidavit.

THE PRESIDENT: The document will be passed. The prosecution will be asked not to press it. Upon your statement, the Tribunal will give you until the next session to file a statement on behalf of your client raising the issue of fact or coercion and duress.

MR. AMCHAN: May we ask, if Your Honors please, that it be marked as Exhibit 26, for identification?

THE PRESIDENT: That may be done.

MR. AMCHAN: I believe it would be helpful to mark, for identification. That is a statement of the defendant Gattineau with respect to Prosecution Exhibit 27, marked for identification.

MR. SPRECHER: May it please the Tribunal. The prosecution is not a little disturbed by a number of the accusations which are at least implied or inherent in what at least two defense counsel have indicated before this

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Tribunal. The prosecution would like to face this issue very squarely with each and every one of these gentlemen who wish to touch upon this issue, and we would like to have it done at the earliest possible moment and, therefore, we would like to request Your Honors to instruct these gentlemen that, if there are any further cases where duress is claimed, that such duress be set forth in writing in very clear terms in all cases in connection with all of these defendants and, Your Honors, we would like to have the defense counsel indicate, as much as they can, their view of the matter so that we will not be troubled by facetious remarks of any kind because this is a very serious matter, and the Government of the United States, I don't think, should lightly be placed in a position where there has at least been some interference by some of these defendants that there has been some wrong doing by representatives of the United States Government, and I, therefore, formally request that, if there are any other such issues here, they be made openly, frankly, in writing, and quickly.

THE PRESIDENT: The Tribunal had indicated that we cannot entertain oral motions made from the floor of the court room during the trial that raise issues of fact touching upon the admissibility of these affidavits. That is the reason that we have said that we will require that, where an issue of that kind is made it be made specifically, directly, in writing, and filed, because that will call for an independent inquiry. If counsel for the defendant or several defendants finds that issues of those kinds will be raised when the affidavits or other documents of which they have knowledge will be offered by the prosecution, it will certainly expedite the trial of the matter in an orderly way if you are prepared, at the time the document is offered by the prosecution, to file your attack or your charge to the effect that there was coercion or restraint or some other circumstances affecting the admissibility of the document.

Now, just one further observation along that line may not be out of place. In one of the documents which was offered yesterday, it appeared, I think, that the document was dated 1947 but there were references to other statement that had been made by this same defendant in 1945. The Tribunal would wish to make it clear that we're only concerned with the question as to whether there was coercion or restraint or undue influence or force or threats at the time of the execution of the particular document offered in evidence, and we would not be concerned with whether there may have been something of that kind or character previously, even though that incident might have been referred to in the document offered in evidence. Perhaps I may illustrate what we have in mind. If an affidavit, dated January 1, 1947, was introduced in evidence, in which references were made to statements made in 1946, the pertinent question would be, was the defendant under restraint or coercion at the time he executed the document offered in evidence, dated January, 1947, even though it might be true that he might have been under a restraint when he made some previous statement. I say that because it may be helpful in

marrowing the issue the Tribunal may be required to pass upon which is simply and directly this, was the defendant under coercion or restraint or threats or intimidation at the time of the execution of the document presently offered in evidence.

MR. AMCHAN: May I inquire, under Your Honor's ruling whether I correctly understand that, in the event defense intends to raise the issue of coercion, that under Your Honor's ruling, the defense is required to submit a formal written application, verified by the defendant himself and not by his counsel?

THE PRESIDENT: I hardly think the Tribunal will go so far. We recognize these counsel, these gentlemen of the profession who represent them. We have.... A couple of defendant are absent here today and we certainly would not, if the defendant was absent for some reason and he didn't verify it and the attack was verified by his counsel, I think the Tribunal would take it, in any case.

MR. AMCHAN: I was merely a point of inquiry, Your Honor.

We offer next, as Prosecution Exhibit 28, NI 8788 which, incidentally, is incorrectly listed as 7788, which is an affidavit of Gattineau of 12 June 1947, and is set forth on page 9 of the English document book and on page 20 of the German document book. In this affidavit Gattineau states that he and Buetefisch, the defendant Buetefisch, visited Hitler in 1932 in order to clarify the position of the Nazi Party regarding the German gasoline production.

I offer next, as Prosecution Exhibit #29, in evidence NI 8637 which is a signed interrogation by the defendant Buetefisch on 16 April 1947, relation to his visit with Hitler. This affidavit, or rather, interrogation is set forth in the English document book at page 18 and in the German document book at page 32.

MR. REINTGES (Assistant Defense Counsel for defendant Buetefisch): May it please Your Honor, I object to the submission of this document.

marrowing the issue the Tribunal may be required to pass upon which is simply and directly this, was the defendant under coercion or restraint or threats or intimidation at the time of the execution of the document presently offered in evidence.

MR. AMCHAN: May I inquire, under Your Honor's ruling whether I correctly understand that, in the event defense intends to raise the issue of coercion, that under Your Honor's ruling, the defense is required to submit a formal written application, verified by the defendant himself and not by his counsel?

THE PRESIDENT: I hardly think the Tribunal will go so far. We recognize these counsel, these gentlemen of the profession who represent them. We have.... A couple of defendant are absent here today and we certainly would not, if the defendant was absent for some reason and he didn't verify it and the attack was verified by his counsel, I think the Tribunal would take it, in any case.

MR. AMCHAN: I was merely a point of inquiry, Your Honor.

We offer next, as Prosecution Exhibit 28, NI 8788 which, incidentally, is incorrectly listed as 7788, which is an affidavit of Gattineau of 12 June 1947, and is set forth on page 9 of the English document book and on page 20 of the German document book. In this affidavit Gattineau states that he and Buete fish, the defendant Buete fish, visited Hitler in 1932 in order to clarify the position of the Nazi Party regarding the German gasoline production.

I offer next, as Prosecution Exhibit #29, in evidence NI 8637 which is a signed interrogation by the defendant Buete fish on 16 April 1947, relation to his visit with Hitler. This affidavit, or rather, interrogation is set forth in the English document book at page 18 and in the German document book at page 32.

MR. REINTGES (Assistant Defense Counsel for defendant Buete fish): May it please Your Honor, I object to the submission of this document.

marrowing the issue the Tribunal may be required to pass upon which is simply and directly this, was the defendant under coercion or restraint or threats or intimidation at the time of the execution of the document presently offered in evidence.

MR. AMCHAN: May I inquire, under Your Honor's ruling whether I correctly understand that, in the event defense intends to raise the issue of coercion, that under Your Honor's ruling, the defense is required to submit a formal written application, verified by the defendant himself and not by his counsel?

THE PRESIDENT: I hardly think the Tribunal will go so far. We recognize these counsel, these gentlemen of the profession who represent them. We have.... A couple of defendant are absent here today and we certainly would not, if the defendant was absent for some reason and he didn't verify it and the attack was verified by his counsel, I think the Tribunal would take it, in any case.

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MR. REINTGES (Assistant Defense Counsel for defendant Buetevisch): May it please Your Honor, I object to the submission of this document.

This is a statement of a defendant. The reasons which Dr. Boettcher gave in his statement to day apply also fundamentally to this document, and for guarding the formal rights of my client I must, therefore object against submission of this document.

THE PRESIDENT: Objection is overruled.

DR. REINTGES: In this case I should like to ask the prosecution to submit those parts from the document which it wants to make a part of its evidence. In the table of contents it is said that the document is submitted in view of the visit of the defendant Bucofisch and Gattineau with Hitler in 1932, pages 8 to 10. The document is very comprehensive, and it is not possible, without reading this document, to see what parts of it refer to this particular part of the evidence.

THE PRESIDENT: We'll regard the index as merely a reference to locate the document. The Tribunal will read the document in its entirety and consider that which is pertinent to the question and ignore that which is superfluous, if there are any such parts. Your Objection is overruled.

MR. AMCHAN: With respect to.....

DR. PELCKMANN (Defense Counsel for the defendant von Knieriem): I should like to say something about the reading of this document since the document are submitted against all defendants. The defense is convinced that the High Tribunal will read the document. That is quite matter of fact. However, the defense and the defendant must know what part, in a very large document, the prosecution wants to use to support their particular count of the indictment. Without such clear indication, the defendant cannot defend himself against the charge and, therefore, in the name of my defendant, I should like to ask the prosecution to indicate the particular spot, it doesn't have to be read, perhaps only the pages have to be told, and this has nothing to do with the question the court and the defendant and the defense counsel will, of course,

read the entire document.

THE PRESIDENT: The Tribunal feels that that's hardly a proper request. This document, the English translation is some sixteen pages of the record. Counsel for any defendant, with respect to which the prosecution claims this document is competent evidence, will have an ample opportunity afforded at the end of this trial to meet any issues of fact contained in the document. The prosecution may use its pleasure as to whether it reads the document, or points out any parts of it, or merely allows the document to go into the record.

MR. AMCHAN: We propose, if Your Honors please, in the interest of expediting the trial, to read such portions of the document which, in our judgment, we feel will be helpful to readily understand the nature of the document. Beyond that, we feel it would be an imposition upon the prosecution to go.

Now, with respect to Prosecution Exhibit 29, being the interrogation of the defendant Bueteisch. On page 31 of the English document book appears this question:

"Q. What did Hitler promise at the time?"

This, incidentally, is on page 46 of the German document book.

"A. He said only: 'I shall see to it that such articles...'"

And they were referring to articles in the newspapers criticizing the synthetic fuel program of I.G. Farben, and Bueteifushh answer in this interrogation about his conference with Hitler and he quotes Hitler as saying:

"I shall see to it that such articles do not appear in my press any more."

The prosecution next offers, in evidence, as its Exhibit 30, NI 6767, which is an interrogation of the defendant Krauch signed 16 April 1947, with respect to the visit of Gattineau and Bueteifisch in 1932 to Hitler. It appears in the English document book at page 35 and in

the German document book at page 50. At page 42 of the English document book, which relates to the prosecution's exhibit 30, in evidence, appears the following.:

"C. Then in November 1932, Gattunau and Bueteifisch went to Munich to see Hitler. Is that not so? What do you know about it?"

"A. The winning over of the press was at stake. Strong attacks against synthetic gasoline were made in the press, which probably in some way was guided by the automobile industry, and now utilized all kinds of newspaper, including the Frankfurter Zeitung.

"Q. Was that such a concentrated attack? I cannot imagine the Frankfurter Zeitung echoing the others.

"A. Still, that was the case. Of course, they also contributed corresponding editorials.

"Q. But what has all this to do with Hitler?

"A. The National Socialist press rose at that time in the same manner, and Hitler had very strongly supported the auto industry, so that attacks resulted from there too, and attention was being drawn to cheap fuels. Gattunau and Bueteifisch discussed that with Hitler agreed and then gave directions accordingly to the press."

With Exhibit 30, if Your Honor please, we have offered the documents in support of the fact, as charged in the indictment, that the alliance with Hitler started, among other things, with this conference in 1932 with Hitler, for attention to be given to I.G. Farben with respect to further continuance of its synthetic gasoline program.

THE PRESIDENT: The Tribunal will, at this time, rise for its morning recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. BOETTCHER: We have acknowledged the fact that this high Tribunal with regard to the objection raised by the defendant to the submission of the affidavits of the Prosecution has turned this motion down. The attorney Dr. Reintges has repeated a formal objection against the expression of the affidavit of the defendant Buetefisch. In order to eliminate such formal objection in connection with the submission of every affidavit the defense would like to take the liberty of putting the question to the Tribunal whether this high Tribunal would be agreeable if once and for all it would accept that the defense will object to the submission of every affidavit originating from a defendant, so that proceedings should not be disturbed by formal objections.

THE PRESIDENT: The Tribunal is a bit in doubt as to what counsel refers to. Does counsel have reference to the objection based on the ground of the witness being required to give evidence against himself or does counsel have reference to the question of whether or not the affidavits were obtained under duress.

DR. BOETTCHER: No. Mr. President, they refer to such affidavits as have been made by defendants though not under duress, and the question is whether the somewhat general objection which I have just raised, that is, against the submission of affidavits, could be regarded as a general overall objection and in that form be accepted.

THE PRESIDENT: It may be so considered.

DR. FELCKMANN: (Attorney for von Knieriem): Mr. President, in order to clear this up —

THE PRESIDENT: State your name for the record, please.

DR. FELCKMANN: Pelckmann for the defendant von Knieriem. In order to make it completely clear, the defense desires to make an objection against the submission of affidavits made by defendants in every case and not only on behalf of the defendant who has actually made the affidavit,

but also on behalf of all the other defendants. I believe that the argument raised up to now regarding the over-ruling decision of this high Tribunal only indicates that this high Tribunal considers the submission of an affidavit permissible with regard to that defendant who has actually executed the affidavit. Now, I should like to state on behalf of a defendant who has not so far submitted an affidavit here, with emphasis, that I would like to take into consideration all the defendants, in making an objection, and my defendant who has not actually executed the affidavits we are now dealing with.

THE PRESIDENT: The Tribunal will be glad to treat the objections that have been made to the introduction of affidavits based upon the concept that thereby the authors of the affidavits who are defendants are required to give evidence against themselves as applying to each and every defendant and every instance in which such an affidavit is offered to the Tribunal.

MR. AMCHAN: Before the recess, if your Honors please, we concluded with the subject matter on the conference in 1932 between Gattineau and Bueteftisch representing I. G. Farben and Hitler with respect to the synthetic gasoline program. Your Honors will recall that we have charged in the indictment, that at that time, there was an internal conflict within I. G. Farben as to whether the cost and expense for developing the synthetic gasoline program warranted further continuance of that particular line of production. We offer now as Prosecution Exhibit 31, NI 6765, being the statement of the defendant Jaehne, dated 2 March 1947, it should be 1931 - Jaehne's statement indicates that after 1931 the losses from the financial point of view with respect to the synthetic gasoline program was very substantial. That statement appears in the English document book at page 47, and then the German Document Book on page 67. It is a rather short statement and with your Honors permission I propose to read it:

"Subject; Leuna gasoline. In the year of 1931 -----"

Counsel for defense has requested that we furnish them with the original.

DR. ASCHENAUER (Attorney for defendant Gattineau): I object on behalf of the defendant Gattineau and I wish to object against the presentation of this statement. It is not a sworn statement.

THE PRESIDENT: The object is overruled.

MR. AMCHAN: Reading from Document NI-6765, Prosecution Exhibit 31 in evidence.

"In the year of 1931, an assignment was given to me by the Administration Committee to prepare in conjunction with Dr. Moeg, of Wolfen¹ Farben, and de Gaus of Ludwigshafen, an expert's opinion on the situation as a whole of the production of gasoline. The finding was that at that time a minimum price of 23 Pfennigs per liter had been reached, which even further improvements could not help to reduce considerably. Up to then, approximately 400 million Reichsmarks had been spent for experiments and development of Oppau and Leuna."

Incidentally he is referring to the two big plants of I.G. Farben where the synthetic gasoline was produced.

"One therefore was of the opinion that such high expenditures which had to be paid for out of the profits from other products could not longer be justified.

"In my opinion one could not continue to work without special subventions." I take it to mean subsidiaries. "On principle, I was, as a matter of fact, against any kind of subsidiaries by the State because this would lead of necessity to influence by the state. One should rather close down the plant. I heard from others that though the production of gasoline was unprofitable, by-products were obtained on the basis of which a new chemistry could be built up, offering great prospects for the future."

Signed in the presence of an interrogator of the Office of Chief of Counsel by the defendant Jaehne.

The next four documents, which we propose to offer, if Your Honor please, relates to some political background which really is a matter in which Your Honors will take judicial notice. We are putting these matters formally in evidence to facilitate the matter.

DR. PELCKMANN: (Counsel for the defendant von Knieriem). It is only in regard to the previous document on which I wish to make a statement. Other Tribunals when they decided regarding the admissibility

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of documents have indicated just as what the High Tribunal accepted the document. That is, to say whether it was accepted as an affidavit or as a document or what type of evidence it was considered to be. Then if an objection was overruled, reasons were given and I felt the defense would be greatly aided if this High Tribunal would adopt the same procedure in this court room.

THE PRESIDENT: The Tribunal will be glad to do that. This is to be a statement of a defendant made in the considering of an affidavit of a witness or a deposition. It is the view of the Tribunal that a statement of the defendant, if pertinent to the issues under inquiry, is admissible regardless of its being sworn to or verified. It might be a letter, it might be a memorandum, it might be a mere scrap of paper, even unsigned, if shown to be executed by the defendant and being pertinent, would be admissible. Of course, that rule would not apply to a method of bringing evidence of a witness other than a defendant.

Is that clear to counsel?

DR. PELCKMANN: Yes.

Mr. AMCHAN: We offer in evidence, if your Honor please, Prosecution Exhibit 32, PS-3901, a document which was in evidence before the International Military Tribunal. The document is a memorandum address to Hindenburg in November of 1932, asking that Hitler be appointed Chancellor. It appears on page 48 of the document book and on page 68 of the German document book. The second paragraph of that document we believe would interest this Tribunal. This petition is dated in November of 1932:

"The outcome of the Reichstag elections of November 6 of this year has demonstrated that the former cabinet, whose since intentions no one among the German people doubted, did not find adequate support within the German people for the pursuit of its course; it also demonstrated

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that the goal at which your Excellency is aiming has the support of a full majority of the German people if we -- as we should -- exclude the Communist party whose attitude is negative to the State. Not only the Black-White-Red party and its related smaller groups, but the National Socialist German Workers Party as well are fundamentally opposed to the former parliamentary party regime; thereby they have agreed to the aim of your Excellency. We consider this result extremely gratifying and cannot imagine that the realization of the goal should now founder at the maintenance of ineffective methods."

We believe it would be helpful to point out to Your Honors that this document is the concept of anti-parliament or democratic government, which was the basis of this petition. It also appears in a document which we shall offer later containing the speech of Hitler on 20 February 1933 at a meeting where the defendant Schnitzler was present. This same concept of taking control of the government, although a minority party with the doctrination of force and coercion to seize control of the government is reflected in the document which we shall offer later on.

We offer now in evidence, as Prosecution Exhibit No. 33, NI-6522 being an excerpt from a diary of Goebbels. The excerpt quoting that portion, which is set forth in our indictment.....

DR. SIEMERS: Your Honors, I would like to add something with regard to the previous document 3901-PS, which has been submitted as a memorandum. May I ask the prosecution to present me with the original?

(The document is handed to counsel.)

Thank you so much. May I draw your attention to the following in connection with this document. I believe in its present form the document cannot be submitted. In the copies, which are in the German document book, the last words are followed by the words, "We greet your Excellency with the most profound respect." (Signed) and there follows

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a long column of names, Helfferich, Krogmann, Schacht, etc. This would give reason to the impression that this is a document which those persons in question had signed. In fact, however, this letter, according to the photostat copies which I have before me, is not signed at all. It is merely a piece of paper which is connected with the photostatic copies, but which contains no further clue with regard to the document, where these names are found. That piece of paper has on it these names, but obviously not signed or written by the personalities listed in the document book. They have been apparently, as far as I as a layman can judge, been affixed in handwriting by one and the same person, at any rate it seems to me to be the same handwriting. Then there is another piece of paper, which as is shown by the copies in the document book, headed by the words, "copy from a mere note" and again we only find these names. It could be therefore that this is a note made by some man who might have approached these gentlemen, but it is not a signature. It is not a signature which we find under the letter which has just been read. That seems to me to be the decisive point quite apart from the further fact that among the names there are two dozen names, I cannot find one of the names of the gentlemen of the I.G. Farben. Anyway, my client, von Schnitzler, is not among them. If I am properly informed, in any case, none of the men from the I.G. who have been charged here are included. For that reason I object to the document is not signed and does not point out a real fact.

MR. AMCHAN: If Your Honors please, I indicated at the time I offered the document in evidence that it was for the purpose of having the court take judicial notice of a finding of facts made by the International Military Tribunal. On page 177 of Volume I in the opinion of the International Tribunal that findings of fact appears in the following language:

"In November, 1932 a petition signed by leading industrialists and

financiers was presented to President Hindenburg, calling upon him to entrust the chancellorship to Hitler, and in the conclusion and signatures to the petition Schacht took a prominent part."

I might say in addition to the fact that we offer this as asking your Honors to take judicial notice of the matter, ordinance 7 specially states that in the absence of substantial new evidence to the contrary the findings of fact made by the International Military Tribunal are to be accepted by this Tribunal. It is for that purpose that we believe the document is admissible.

DR. PELCKMANN: Your Honors, I do not believe that the prosecution is asserting that this document was actually accepted by the International Military Tribunal. Other defense counsel and myself from the first trial cannot at any rate recollect it any more nor do I know it as I have to study the official version of the findings, which we as defense counsel have not yet received and in order to check whether these findings quote this document, which we are now talking about, which contrary to the assertions of the prosecution does not appear to be the case to me. Whether the prosecution is using the findings of the International Military Tribunal with respect to this point or not, that is a legal question, but I believe that the document cannot be introduced since the judgment and the files of the International Military Tribunal trial do not indicate that this document was and is, in fact, the basis of that judgment and considering that situation, I believe the defense has the opportunity now to state the doubts which it has regarding the authenticity of this documents and these doubts should lead to it that the document is refused.

THE PRESIDENT: In the view of the Tribunal, the observation for counsel for the defendants might be summarized by simply saying that this document has no probative value as far as these defendants are concerned. If that is true then the objection which is made would call to the weight rather than its admissibility. This Tribunal would be reluctant at this time to pass on whether or not it is certain, or whether it only becomes pertinent to subsequent evidence, which may be introduced by the prosecution, or by chance by the defense.

Counsel for the defendants may be assured that if at the conclusion of the evidence it appears that no probative value is attached to the offered document, it will have no weight with this Tribunal.

The objection on the present state of the record is over-ruled.

DR. SIEMERS: (Counsel for the defendant von Schnitzler.) Mr. President, I have merely one request which I would like to make to the prosecution, namely, that they be kind enough to produce a corrected copy of this document for the book so that the document at any rate, which this High Tribunal and which the defense and the defense counsel will receive should tally with the photostatic copy which is submitted to the Secretary General. That is to say the copies ought to show that the letter is not signed, that it does not bear the signatures that it would appear to bear according to the copies which I have before me. It should continue to state that the names are on a completely separate sheet of paper and not as it appears

on the document to follow after the final statement of the letter. This undoubtedly creates a somewhat incorrect impression. Perhaps the prosecution would be so very kind as to correct this point and in correspondence with the fact erase the word "signed" which now appears.

MR. AMCHAN: I believe these matters of detail can readily be agreed to in conference between counsel for the prosecution and defense and since they do receive the documents in advance, have received them before and have ample time to examine them, we would suggest they advise us in advance if there is any particular document to which they have objections as to form.

THE PRESIDENT: In any event the observations of counsel for the defense are in the record and the document will be considered by the Tribunal in the light of what the record discloses with respect to it.

MR. AMCHAN: I believe the prosecution has already offered in evidence as its exhibit No. 33, NI-6522, an excerpt from Goebbels's diary as of 8 December 1932, it is submitted in proof of the allegation contained in paragraph 8 of the Indictment, whereby Goebbels on that date stated in his diary as follows:

"Severe depression prevails in the organization. The financial difficulties make purposeful work impossible."

Still on the point of political background we offer in evidence as prosecution exhibit 44, NI-7990, being an affidavit of von Schroeder 27 July 1947, relating to the political situation in Germany before

Hitler's seizure of power. It appears in the document book on page 55. I think the subject matter of that affidavit and the event it relates to is sufficiently set forth in the judgment of the International Military Tribunal and reading it at this point would serve no successful purpose.

We offer as prosecution exhibit 35 in evidence PS 3337, that Your Honors will recall is the document I referred to earlier this morning, being an affidavit of von Schroeder of 5 December 1945 on the same subject matter and with respect to that document, I will make the same observations.

DR. REINTGES: (Counsel for the defendant Buetsfisch.) I object to the introduction of this document since it has not been presented to us within the 24 hour time limit. The defendant Buetsfisch is quoted in the document and I have not yet had an opportunity to discuss the document with the defendant.

MR. ANCHAN: I might make this observation, if the Court please. The subject matter of this document, the second affidavit of von Schroeder, is precisely the same as the previous affidavit in evidence, prosecution exhibit 34. There can be no possible surprise on the part of the defendants and if they do claim surprise of a nature, which they claim to be prejudiced to their case, I suggest it remain in evidence subject to any motion to strike.

THE PRESIDENT: Does counsel stand upon the fact that the requirement of the rules have not been met with reference to the delivery of the document

to him ?

DR. REINTGES: Your Honors, the reason why I shall have to insist on my objection is because I did not have an opportunity to ascertain to what extent the contents of the previous document and this document tally. Examining it superficially, I discover its beginning is similar, but then alterations follow, but I have not had an opportunity to examine the document in its entirety, but I am agreeable that the matter be held in abeyance until I can make a final statement on it tomorrow.

THE PRESIDENT: Very well, the motion for the time being will be sustained until such time as the rules can be complied with.

MR. AMCHAN: May I ask that this document be marked exhibit 35 for identification?

We are about to present, if Your Honors please, a series of documents in support of the charge that on 20 February 1933 at a conference in Goering's house where leading industrialists were present, including representatives of I.G. Farben, Hitler in a confidential address to the gathering, to this select gathering, called upon them for financial support for the critical election of March 1933.

The first document, which we offer as prosecution exhibit 36 in evidence is document EC-439, which was in evidence before the International Military Tribunal as U.S.A. exhibit 618. That document is an affidavit of the defendant von Schnitzler executed on 16 November 1945 in which he relates what transpired at that

meeting of 20February 1933, at which meeting he was present. That document appears in the English document book on page 62 and in the German document book at page 87.

I shall very briefly read from this document; second paragraph;

"At the end of February 1933, four members of the Vorstand of I.G. Farben" — that is, their managing Board of Directors — "including Dr. Bosch, the head of the Vorstand, and myself were asked by the office of the president of the Reichstag" — that is, Goering — "to attend a meeting at his house, the purpose of which was not given. I do not remember the two other colleagues of mine who were also invited. I believe the invitation reached me during one of my business trips in Berlin. I went to the meeting which was attended by about twenty persons who, I believe, were mostly leading industrialists from the Ruhr."

"Among those present, I remember:

"Dr. Schacht, who at that time was not yet head of the Reichsbank again and not yet Minister of Economics."

"Krupp von Bohlen, who in the beginning of 1933 was president of the Reichsverband der Deutschen Industrie" — which I understand to be the chamber of commerce or an association of German industrialists — "which later on was changed into the semi-official organization 'Reichsgruppe Industrie'."

"Dr. Albert Vogler, the leading man of the Vereinigte Stahlwerke" — the leading steel works.

"Von Lowenfeld, from an industrial work in Essen."

"Dr. Stein, head of the Gewerkschaft Auguste Victoria, a mine which belonged to the I.G. Dr. Stein was an active member of the Deutsche Volkspartei."

"I remember that Dr. Schacht acted as a kind of host."

"While I had expected the appearance of Goering, Hitler entered the room, shook hands with everybody, and took a seat at the top of the table. In a long speech, he talked

mainly about the danger of communism over which he pretended that he had just won a decisive victory."

"He then talked about the ("Bundnis") alliance into which his party and the Deutsch-Nationale Volkspartei had entered. This latter party, in the meantime, had been reorganized by Herr von Papen. At the end he came to the point which seemed to me the purpose of the meeting. Hitler stressed the importance that the two aforementioned parties should gain the majority in the coming Reichstag election. Krupp von Bohlen thanked Hitler for his speech. After Hitler had left the room, Dr. Schacht, proposed to the meeting the raising of an election fund of, as far as I remember, 3,000,000 Reichsmarks. The fund should be distributed between the two "Allies" according to their relative strength at the time being. Dr. Stein suggested that the Deutsche Volkspartei should be included which suggestion when I rightly remembered was accepted. The amounts which the individual firms had to contribute were not discussed."

"I did not participate in the discussion but reported the matter the next day or the overnext to Dr. Bosch in Frankfurt who, together with Geheimrat Schmitz" -- one of our defendants -- "had reserved exclusively for themselves the handling of distribution of money to political parties, the press, etc., and had made a special point of secrecy in this respect."

"Dr. Bosch did, as far as I remember, not make any remark to my report, but shrugged his shoulders."

"I never heard again of the whole matter but I believe that either the bureau of Goering or Schacht or the

Reichsverband der Deutschen Industrie had asked the office of Bosch or Schmitz for payment of I.G.'s share in the election fund. As I did not take the matter up again, I, not even at that time, knew whether and which amount had been paid by the I.G. according to the volume of the I.G. I should estimate I.G.'s share being something like 10% of the election fund, but as far as I know there is no evidence that I.G. Farben participated in the payments."

That is von Schnitzler's reporting to Bosch and the defendant Schmitz on what occurred at that meeting on twenty February.

We next offer in evidence, as Prosecution's Exhibit 37, Document D-203, which document also was in evidence before the International Military Tribunal as U.S.A. Exhibit 767. This document is a report of the address which Hitler delivered at that meeting, that von Schnitzler attended. It appears in the document book on page 64 -- that is, the English document book; and in the German document book at page 89.

Now, if Your Honors please, in the indictment and in the opening address of the Prosecution we have laid some stress on the nature of the speech of Hitler. He particularly pointed out, in our opinion, exactly the program that he proposed to undertake. We mention that and we offer this document to demonstrate that when the defendants through instrumentality I.G. Farben made this substantial contribution to place him into power they knew exactly what were supporting because Hitler, at this select meeting, plainly and distinctly told them what this program was. I do not believe it would serve any useful purpose to read

excerpts of this at this point, in view of the fact that General Taylor, in his opening address, has at some length gone into this document and quoted the appropriate excerpts. It is sufficient to point out that this speech was as near as any speech ever comes to a call to join in a treasonable and activity and to take control of the State, although, in minority, by force, and to seize such control illegally and contrary to the legal government then in power.

THE PRESIDENT: Might the Tribunal suggest to counsel that quite a bit of what is being said is quite argumentative. It might be most appropriate after this evidence is in as to just what it does establish. We won't lay down any harsh rule, but a little more succinct statements of the contents, I think, of the documents would suffice, I think, for our present purposes.

MR. AMCHAN: We next offer in evidence, if Your Honors please, as Prosecution's Exhibit No. 38, being Document D-204 —

DR. SIEMERS (Counsel for defendant von Schnitzler): Gentlemen of the Tribunal, with reference to the last document, I should like to make the following statement. Actually, I do not object to Hitler's speeches being submitted here in the courtroom; but as to the form in which this document is submitted to us I have some misgivings. No date is recorded on the document, and it cannot be recognized wherefrom this document originates. We cannot see who was present during that meeting.

These are the reasons why I have to object against the submission of this document formally, and I have to ask the Prosecution, quite independently of the argumentation

to which I will not refer, to demonstrate the origin of that document.

MR. AMCHAN: The document is a captured document from the files of Krupp von Bohlen and as a captured document it was offered in evidence before the I.M.T. and then under Ordinance VII we respectfully suggest that it is admissible as such.

THE PRESIDENT: The Tribunal has no information as to what the German copy may indicate, but the caption of the English copy indicates that it is an address by Hitler to German industrialists, under date of 20 February, 1933. Is that right?

DR. PELCKMANN (Counsel for defendant von Knieriem): Mr. President, this document does not show in the least what it is to represent and from where it originates. Only the index, which is in the English language, shows that it is a report about a speech of Hitler before German industrialists, and it says thereto that a speech of Goering is contained therein of which excerpts are mentioned in the indictment. Other than that, there is no designation of that document. Perhaps the Prosecution could present to the Defense a photostatic copy of the original of this captured document.

MR. AMCHAN: Counsel is correct in that there does not appear on the face of the photostat of the original any indication as to its source. What appears in Your Honors' document book on page 64 is a translator's note as to its origin. Our information is as I indicated: this came to us from the documents which were introduced before the I.M.T. and their information is that it is a captured document coming from the private correspondence of Krupp von Bohlen.

Now, if Your Honors feel that there should be any additional affidavits to connect this document up as to its source, then we would respectfully suggest that the document stands in evidence subject to that connection, although in our opinion the captured document version in fact is sufficient under the rules to warrant its admission.

THE PRESIDENT: The Tribunal would hardly feel justified in refusing to admit the document on the showing made, but it might be entitled to more weight if something of its history and source was disclosed, and we offer that as a suggestion to the Prosecution, if you can supply it. It might result in the document receiving more consideration than it would on the very meager showing that is now before the Tribunal.

MR. AMCHAN: We will endeavor to furnish the Tribunal with the additional information.

DR. SIEMERS: Your Honors, may I make a general request to the Prosecution in that connection? It is difficult for us if documents are presented here originating from the I.M.T. or any other trial because these documents which at that time were submitted to the Secretary General are not at our disposal, and for that reason we cannot overlook in every individual case whether these documents at that time were actually accepted or refused. I believe that since we have no means of checking that situation, since we don't have the material at our disposal, the matter would be considerably alleviated if the Prosecution was kind enough to add in such cases a certification accompanying the document, telling exactly how this document was submitted in that former trial. This would mean that that document would be

sufficiently identified, but in a case like this document we cannot learn anything from it without any accompanying certification. As far as I remember, the trial before I.M.T.. The Tribunal at that time did not receive one single document in that form but always insisted on an accompanying notation which sometimes extended to a number of pages. But that tribunal always wanted some sort of identification.

This document is a photostatic copy which actually bears no signature, no date, and it shows nothing at all about its origin. Therefore, we don't know whether it is a speech, a report; we don't know who exactly was present and who knows about it.

THE PRESIDENT: The Tribunal has already said that we are going to overrule this objection upon the theory that it may have some probative value or that it may be otherwise connected with the case in later developments. The Tribunal would be reluctant to impose upon the counsel for the Prosecution or the Defendants any particular ritual with reference to the certification of these documents. We feel that you gentlemen in most instances ought to be able to reach a common understanding with reference to such matters without consuming the time of our formal sessions, and we are quite hopeful that we will not have too many situations of this kind. We will just let the future take care of itself in that, and deal with them if and when the objections arise.

The objection, in the present instance, is overruled.

MR. AMCHAN: We offer in evidence, if Your Honors please, as Prosecution Exhibit 39, NI-406 --

THE PRESIDENT: This would appear to be an appropriate

time for our adjournment, and when we do adjourn it will be until nine-thirty next Tuesday morning. For the information of Defense counsel, we may say that we are informed that you will have the privilege of interviewing your clients on Monday, notwithstanding it is a holiday, during the forenoon. We will reconvene Tuesday morning at our usual time.

The Tribunal would once more like to suggest to counsel for the defendants that you undertake to have prepared by that time, if at all possible, the formal objections that you will wish to urge upon the consideration of the Tribunal with reference to the inadmissibility of any affidavits that have been offered, or that you may anticipate may be offered by the Prosecution in instances where it is claimed there has been duress, force, or coercion to such an extent as to affect their inadmissibility before the Tribunal.

The Tribunal will not rise until Tuesday morning at nine-thirty.

THE MARSHAL: The Tribunal will be in recess until 0930 o'clock Tuesday morning.

(The Tribunal adjourned until 2 September 1947, at 0930 hours).

2 Sept 47-1-1-M-AEH-Burns (Ramler)

Official Transcript of the American
Military Tribunal 6 in the Matter of
the United States of America against
Karl Krauch, et al, defendants,
sitting at Nurnberg, Germany, on 2
September 1947, 0930, Justice Shabo,
presiding.

THE MARSHAL: The Honorable, the Judges of Military
Tribunal IV. Military Tribunal IV is now in session. God
save the United States of America and this Honorable
Tribunal.

There will be order in the Court.

THE PRESIDENT: Gentlemen, are there any preliminary
matters to be presented to the Tribunal at this time?

MR. DUBOIS: I am not sure, your Honor, what you meant
by preliminary. We do have this question of the affidavits
of the defendant von Schnitzler and also the question of
the introduction of affidavits by witnesses who are
available. A copy of the statement which I made on the
morning of the 29th was furnished to defense counsel and
I believe that they are ready to make some comments on that.

THE PRESIDENT: The Tribunal will be glad to hear it.

DR. SEIMERS: Dr. Seimers. If it please your Honor,
in accordance with the wish of the Tribunal I should like
to submit the written motion regarding the objection I
raised against the submission of the affidavits of the
defendant von Schnitzler. I beg to excuse my written
motion only being available in the German language but
not yet having been mimeographed and translated into the
English. This has not been possible since the offices in
the Palace of Justice were not working for the last three
days. However, the defense has made a translation which
was placed at the disposal of the interpreters. With the
permission of the high Tribunal I should like to read this

2 Sept 47-1-3-A-ABH-Burns (Ramlar)

statement in writing on Tuesday, 2 September 1947. As the occurrences in 1945, according to the ruling of the Tribunal, are to be left out of consideration in this connection I only have to present evidence concerning the occurrence in 1947. In support of my objection against the affidavit BI-5196 and against further affidavits of the defendant von Schnitzler which the prosecution has either meanwhile submitted or intends to submit I therefore produce the first five and a half pages of the first Wurnberg interrogation record dated 18 February 1947. According to the information given to me by the defendant von Schnitzler he was brought from Dachau to Wurnberg in a jeep on 18 February 1947 and after a long journey arrived here tired, all frozen and entirely exhausted. According to his description he was subjected to interrogation on the same afternoon. The manner in which the interrogation started can be seen from the inclosure. The defendant von Schnitzler stated to me that because of the remarks made to him during this interrogation and in view of his previous experiences he was entirely intimidated. As a consequence he felt himself under the most severe psychological pressure. Also during the following interrogation, especially as the presentation of his affidavit of 1945 always tended to remind him of the treatment meted out to him at that time and at the attendant circumstances.

In view of the ruling of the Tribunal to the effect that Art. 5 of the Amendment of the Constitution of the United States does not apply and that the occurrence of 1945 is immaterial and in view of the that I have no American lawyer versed in American legal conceptions at my disposal and as the American legal adviser appointed by the Secretary General is not available to me at the present I can only submit the aforementioned facts without giving the proper legal consideration. Therefore, I respectfully request the Tribunal for a decision on my objection on the basis of the facts as shown in the inclosure."

2 Sept 47 ~~1-4-4-435-Burns~~ (Ramlor)

May it please the Tribunal, the enclosure is a certified copy of the original copy of the interrogation which took place on 18 February 1947. This interrogation was handed in its original to the defendant von Schnitzler. With the permission of your Honor I should like to read this enclosure to you which is in the English and the original letter has been enclosed in English and which forms part of my objection. The interpreter has the English original text at his disposal which insures this text being entered into the record correctly. The German translation which I read now does not originate from the official translation department but has a defense translation.

INTERROGATION OF MR. GEORG vonSCHNITZLER
by Mr. Drexel A. Sprecher, 18 February
1947, 1550 - 1715, Room 166, Palace
of Justice, Nurnberg, Germany

Also present: Mr. Albert G. D. Levy,
Mr. Julius Rudolph, Mr. Tenon de
Chetnik; Miss Rita M. Gaylord, Court
Reporter.

TO THE WITNESS BY MR. DREXEL A. SPEECHER:

Q Your name is Georg von Schnitzler?

A Yes.

Q Do you understand the meaning of giving testimony under oath?

A Yes.

Q Do you understand that failure to disclose the full truth
concerning a subject which you are questioned is as much perjury as
deliberately telling a falsehood?

A I know, sir.

Q The law of the occupying powers concerning failure to tell the
truth is very stern to falsifiers. The law concerning the failure to
disclose the truth is very stern to perjurers or falsifiers —
persons who tell falsehoods.

A Yes.

Q Some penalties for perjury may be graver than those for
involvement in German militarisation. Now, there have been some alleg-
ations that you and several of the persons with whom you have
recently taken counsel have laid aside your scruples concerning
the truth in some of your dealings with the occupation forces
and that you have either made understatements or overstatements.

A I? Personally —

Q Now, Mr. von Schnitzler—

A No.

Q When you have believed that your personal position could be
improved by such falsification; further, that you have been quite

willing to conceal the truth behind the fine phrase and diplomatic language of a very learned gentleman, and that you, personally, acquired this art through years of negotiations, both in Germany and abroad. The allegations even run to the extent of asserting that you, on occasion, swore falsely or that you have been willing to tell untruths before representatives of the occupying powers. If this is so, I suppose I need not inform you that action will be taken accordingly.

A But I can't understand you, sir. I did my best to tell the truth. I was under a very serious depression at the time. I was very harshly treated. I don't know if you know that. I was treated in the prison so harsh that my knees were opened with bloody holes, because I had to do — to rub the floors. Then I was put under such a hard pressure by some of the interrogators, and under the high depression under which I was with the breakdown of my entire position — of my existence, of everything — I mixed up many things and things became unclear for me partly — and I must get back. It was told to me, "You must tell the truth. You know anything. You should know anything. You must know anything" — and I tried and tried and tried. Then there was this enormous compound of things and then I mixed up, and I saw situations much more difficult and serious than they in reality were. But it was always my best faith to do everything possible to get to the truth.

Q Now, if original documents should demonstrate that you have given falsehoods or if the testimony of credible witnesses should prove that you intentionally concealed the truth, any punishment meted out to you will account separately for your perjury—for your falsifications. Perjury, you understand, is the legal word for not telling the truth.

A I said the truth. I said the truth to the best of my knowledge all the time, and that was even testified to me. I have a paper from Mr. Duval....."

DR. SIEMERS: May I interrupt here? I think the name should be probably read "Dowell". This seems to be a typographical error.

I continue to quote:

....."who said that I did all I could, and when I was released for a certain time he gave me certificates that my rearrest was not due to any past failure but on general reasons. I did all which was in my power, but I said too much. I am perfectly clear I said too much. But under this terrible depression which I felt and because of the things one had to go through which one couldn't disguise any more... what one heard now and before---there are things which might be wrong but never intentionally wrong. I always believed to tell the truth.

Q When you say you told too much, it seems rather strange. That is one of the things I am concerned about that perhaps you haven't told enough.

A No, I have told too much, in that sense that the I. G. Farbenindustrie, to a greater extent, was engaged in the so-called Aufruestung than it really was.

Q Which means rearmament.

A Which means rearmament.

Q Now, it is one of our assignments here to find out these matters and to make appropriate final determinations. You are about to be given full opportunity to answer clearly and not ambiguously.

A No, I will answer clearly to everything; yes.

Q Four simple questions. Now, I will read all four of these questions over to you before asking you to answer any one of them, so that you will have before you clearly each of these four questions.

First question: Have you always disclosed the full truth, to the best of your knowledge and belief, to American or Allied representatives

during investigations conducted since the unconditional surrender of Germany? Second question: Do you intend to disclose the full truth, to the best of your knowledge and belief, to American or Allied representatives from now on? Third question: Have you stated, written, or subscribed to any falsehoods in connection with the investigation of American or Allied authorities since the unconditional surrender of Germany? Fourth question: If you have stated or written any untruths in connection with the investigations of American or Allied authorities in the past, will you now declare the nature of these untruths and fully disclose the truth concerning them.

If you now disclose any falsehoods which you have made, such disclosure at the present time may be considered in mitigation of any punishment. In charges of any kind are later brought against you, you will then be allowed the privilege of having legal counsel, which is the custom of the occupying powers.

A What is legal counsel?

Q An attorney.

A An attorney, yes. (Rechtsanwalt.)

Q Until such charges are brought or unless such charges are brought, occupation procedure as applied here gives you no right to counsel. Furthermore, under occupational law, after the cessation of hostilities, you as a citizen of the occupied country are required to cooperate with the occupying authorities according to proper requirements demanded of you. Now you will first be sworn and I will put then the questions to you.

A Yes.

Q Will you stand.

(Witness stands)

Will you say, "I" and then repeat your name.

A I, Georg von Schnitzler.

Q Heroby swear that I will tell the truth, the full truth and nothing but the truth, so help me God.

(Witness repeats the oath)

You may sit down.

I will repeat the first question to you: Have you always disclosed the full truth, to the best of your knowledge and belief, to American or allied representatives during investigations conducted since the unconditional surrender of Germany?

A So I did, sir.

Q Second question: Do you intend to disclose the full truth, to the best of your knowledge and belief, to American or allied representatives from now on?

A Yes.

Q Third question: Have you stated or written or subscribed to any falsehoods in connection with the investigations of American or Allied representatives since the unconditional surrender of Germany?

A No, sir, I haven't done that; but I can repeat what I said before that and that is very heavily pending over me that under the depression under which I was, I described to Mr. Ritchin, Mr. Devine, and to Mr. Weissbrodt, certain cases in the light too unfavorable for my company. If you will do me the favor we can go over those points because I had in the meantime the time to think that over and over again, that we can discuss the matters in detail.

Q Now, I want to repeat this question and I will add one word, which I think will account for which you just said, namely, the word "intentionally." Have you stated, written or subscribed to any intentionally in connection with the investigations of American or Allied representatives since the unconditional surrender of Germany?

A No, I always tried to say the full truth.

Q The fourth question! (In view of what you have just said, it is perhaps unnecessary, but I will put it to you just the same.) If you have stated or written any untruths intentionally in connection with the investigations of American or Allied representatives in the past, will you now declare the nature of these untruths and fully disclose the truth concerning them.

A Yes, I will do that. That means I will go over it with you, if you give me the possibility, the points in which I was erroneous. You must excuse my English, sir. Eventually, I make faults. I have not much practice in English and forgotten a lot apart from that.

MR. SPEECHER: Your Honors, we shall ask a little later from the bench that on the basis of the best record which Dr. Siemers has been able to make and after his rather lengthy explanation of that record that you rule on the basis of this record that there is plainly no showing of any duress or intimidation which possibly reaches to the question of admissibility. However, the prosecution does wish to make a further statement and indicate to the Court a number of things which the Court may or may not wish to go into.

May I go back to the year 1947, the last part of February and in the month of March? At that time, as a representative of the Office of Chief of Counsel, I heard a number of statements of the statements of the defendant von Schnitzler. A number of people including a number of Germans had indicated that the defendant von Schnitzler at times might not have told the full truth in his dealings with the occupational authorities. There was some indication, as a matter of fact, that he had changed some of his statements he had made in 1945 on the basis of certain statements and on the basis of certain conduct of other defendants who had been with him in the Kransberg Prison in the year 1946. Therefore, with this record before us we decided that we should put to the defendant

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von Schnitzler very clearly the whole question of his ability to tell the truth and whether or not he had told the truth. You have heard the record concerning the introduction to that interrogation. It was quite correctly transcribed so far as I could hear.

Now, the record of the interrogations which I had with the defendant von Schnitzler total many hundreds of pages. Each of those records of interrogation was submitted to the defendant von Schnitzler, after the record had been made, and he initialed any corrections which were to be made and, on the last page, in each case, stated that he had proof read the record of the interrogation. Those are available for Your Honors if you would like to see them. The defendant von Schnitzler was always given a copy of those records of interrogations which either he, or one of my assistants, on the spot corrected as the defendant von Schnitzler corrected the original, and those copies have been in his possession and I presume, therefore, at the hands of Dr. Siemers, ever since.

Now, what happened was this, and the record will show this too -- the record of these interrogations. I submitted the photostats of the records of these interrogations to the defendant von Schnitzler and he read them through at his leisure. When he was ready, he made oral statements for the record in which he either said that the statements still appeared to him to be entirely correct, or that he had no corrections, or else he proceeded to discuss certain amendments that he had to make to the statements he made in 1945. In many cases, he took the photostatic copies of the 1945 interrogations, statements or affidavits, back to his cell and, the next day, he would come to the interrogation with handwritten notes concerning each one of these interrogations.

Now, after a period of time had passed so that we have covered a number of these statements, we would reduce these 1945 statements, together with any amendments which the defendant von Schnitzler had, to paper in the form of a proposed new affidavit. That would then be typed up and submitted to the defendant von Schnitzler again. He then read, and read it very carefully, each of these proposed affidavits. Where he had additional changes, he made them and initialed it in the margin. I think,

if you look at some of the statements, you will see how frequently typographical errors and, sometimes, additions of substance were made, even at that late stage.

Now, I wish only to indicate the spirit in which these interrogations were carried on by reference to three little notes which the defendant von Schnitzler passed to me when we came together for interrogations. The originals, in the handwriting of the defendant himself, are here. Sometimes they are in German, sometimes they are in English.

On the 14th of March, 1947, he submitted to me a note which began as follows:

"I beg to make some additional declarations in principle to the interrogation of 27 February 1947, 1010 hours to 1200 hours. In the details, the up and down of questions and answers gives a true picture, but for my opinion, the main point has not come to a proper expression."

And then he proceeds to give me what he considers to be the main point which he felt had been missed in the record of the interrogations.

In another case, the 17th of March, 1947, another handwritten note, in the handwriting of the defendant von Schnitzler, written in his cell and handed to me:

"Having carefully reread the five statements of July 25, 2 August, August 11 and September 24, the following corrections are to be made. These corrections originate from information about matters in the technical field which I only received from my technical colleagues while being confined with them together in Kranzberg in 1946. At the time of the interrogations -- Summer, 1945 -- the entire statements represented my true belief and full conviction."

One more statement, on the 18th of March, 1947:

"Re the different statements about Vermittlungsstelle-W, I would like to point out the following. If I had been in seclusion during these entire one and a half years and would have to make the same statement today, I would put it exactly in the same words as I did in the Summer,

1945, but having since been together with my technical colleagues, having had so many discussions about the problem, and having Ter Meer's statement at hand....."

May I interrupt the quotation to say that that refers to a statement which the defendant Ter Meer, with the assistance of some other Vorstand members, worked out in Kranzberg Prison in 1946 and which will later be submitted to Your Honors since it was made in connection with idea of submitting it to the authorities.

"I cannot pass on those informations. On the other hand, correcting myself accordingly, I expect your question: 'And now do you explain, if you really think that Vermittlungsstelle-W was so unimportant, that I.G. put its first man, Professor Karl Krauch, on top of this section and, when Krauch became Gebechem, you put another man on that job, Gustav von Bruening, whom again you considered as being one of your future factory leaders?', and then, of course, I have no answer because I, in my domain, would never have put one of my first men on an unimportant job."

Now, Your Honors, this led to a certain uneasiness on my part as to what the present mood of the defendant von Schnitzler was, because he kept submitting handwritten statements to me, indicating that many of the corrections he had previously made, in effect, should not have been made at all, on the basis of his own recollection, but that he had, in effect, during the course of our interrogations, been making corrections simply on the basis of what some of his technical colleagues in Kranzberg had suggested to him in the course of attempting to build what was there called "a united front" of the defense.

Now, finally, the defendant von Schnitzler talked to Mr. Wolffson, an assistant of the prosecution, who had been correcting the interrogation with him, that he wished to talk to me, and I would like to read from that interrogation because it helps a great deal to show where, if any where, there was pressure and intimidation upon the defendant von Schnitzler. This

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will creep up in other parts of this record, if Your Honors would like see the whole record, but I will read but a part of it which I think may help you a little bit. This is the interrogation record, the original with von Schnitzler's initials on the margin, at the bottom of each page, and his signature at the end, as usual. The date was the 24th of March, 1947.

Q This is a continuing interrogation. Dr. von Schnitzler has been sworn since the first day.

"Now, Doctor, Mr. Wolfson told me this morning you said you had something you wanted to bring to my attention. I don't know precisely what you have in mind. As I told you before, that is your privilege, so will you tell me, in your own way, what you have in mind?

A Yes. During the weekend, I have reread all the records again and I have reread just as well the statements of Dr. Ter Meer and the notes I have received from Kranzberg. After a long and serious consideration, I feel obliged to give you some narratives on all the happenings in Kranzberg because that cannot be separated from the entire problem.

"Then I came to Kranzberg on 26th December, 1946....."

I think that should be 1945 -- I'm not quite sure -- but, in any event, neither the defendant von Schnitzler or I made that correction at the time.

".....I found there most of my former technical colleagues and also Mr. Hermann Schmitz. Max Ilgner was also there, but still in seclusion. My instinct, at first, was not to speak at all about the interrogations of the summer and autumn of 1945 as I was not sure whether I was still under secrecy or not. Now, of course, from time to time, a word slipped through, as I shared my room with Ter Meer, so, for instance, I once said to him that Edolmann, the C.I.C. Chief for Finance, said to Mr. Westrich that they, the Frankfurt people, that they thought I, Schnitzler, would not be responsible in case of an eventual trial, but

2 September 47-M-47D-3-5-Leonard (Int. Rammler)
Court 6, Case 6

eventually, Schmitz and Ilgner. It was always only the question of these three men and then of Krauch, but never another man had been mentioned in such an order of ideas - Krauch, Schmitzler, Ilgner and Schmitz. So Mr. Westreich has reported it to me because the matter, later on, may come up. Of course, one word or another might have been said from which one could deduce that I had testified that I. G. had been largely engaged in the rearmament program. This created the first flash.

"Shortly afterward, in February, 1947, Schmitz explained to Gajewski, voluntarily, that, under the influence of von Schnitzler, he had written the last oath, the statement which he apparently considered as wrong ~~on~~ detrimental for I.G. Then, later on, he became conscious of the contents of that statement. He did not show the statement, but gave the details to Gajewski.

"On 11 March 1946, in a conversation between Ter Meer, Schnitzler and Ilgner - Max Ilgner then had been freed from seclusion - it was discussed that, in the course of interrogations, the question had arisen whether I.G. had worked out so-called Mob. Plans (Mobilization Plans) in the chemical domain. It was stated that such reports were entirely unfounded and could be easily contradicted because I.G. - that means the competent men, Ambros, Wurster, Ter Meer and Strauss - not even had known that at the beginning of the war, the closure of the plants in Ludwigshafen and Oppau had been planned. This order, on the contrary, had been given, but only on the day of the English declaration of war. Knieriem told that to Schmitz on the same day and pointed out that this fact, which had been unknown to him up until now, means a striking proof for the fact that I.G. has not worked on any Mob. Plans or Mob. Planung in the chemical domain.

"Schmitz answers 'And what says Schnitzler to that?' Schmitz added that this news was not in accord with the statement of September, 1945, which he had given under the influence of Schnitzler and which he, at the time, also had spoken about to von Knieriem. At the same time, Schmitz gave Knieriem a copy of the statement of September, 1945. I do not have this copy. I could not find the document in my papers."

May I break the quotation to say that we will also furnish Your Honors later on with a copy of that statement.

"That is the only one which is lacking. Knieriem made it known, in a

discussion of 12 March 1946, to Ter Meer, Schnitzler, Buete-fisch and Ilgner. Consequently, Ter Meer started his memorandum which finally resulted in the statement that is in the statement of 30 March 1946."

Now, I would like to skip pages 3 and 4 for the time being in order to get down to the point.

"A. Now comes my conclusion. I said before that only the statement of Schnitz was not among my papers, but from the conclusion Ter Meer makes at the end of his statement, the most important points of that statement can be deduced, and studying them again after the present interrogations of five weeks, I am of the opinion that those points which have been corrected were largely correct.

"Q.- That is, that you now agree with the corrections which Ter Meer made?

"A.- No, on the contrary, no.

"Q.- In other words, you believe the corrections which Ter Meer made?

"A.- I believe, I think they don't touch the point.

"Q.- Well, let's take them separately just so we are certain what is mentioned...."

Now, Your Honors.....

Your Honors, I'd like to make only two or three more sentences if it is agreeable. Sorry.

"Q.- Do you have anything further?

"A.- No, thank you. I thought it was necessary to explain it as I have been involved in that matter."

And then I'll skip three or four lines.

"Q.- And you also mention that there was a certain moral pressure?

"A.- Yes, sir.

"Q.- Would you develop that a little bit? I don't quite get the

connection between these two matters.

"A.- As I said before, I was the center of that attack because they took Schmitz as not being entirely responsible owing to his mental and physical state. They give me — Ter Meer, in the first instance, to understand here I must repeat his own statements toward me such as 'weakness' 'superficiality' 'presumptuousness', he said he didn't want me to have a judgment over things which I didn't understand, such as giving to the authorities wrong facts which would be detrimental for the company and for all of them."

I don't think it's necessary to go on.

THE PRESIDENT: The Tribunal will once again reiterate what it has already said, that it is its mature conclusion that the voluntary admission of the statement of a defendant, made before trial, does not violate the legal concept that a defendant, in a criminal prosecution, may not be required to give evidence against himself. We trust that it will not be necessary to again state that during the course of this hearing.

We are presently concerned only with the question as to whether the affidavit offered in evidence by the prosecution was executed under such circumstances as to force the conclusion that it was not freely and voluntarily made. Counsel will recall, that when the objection was offered, it was stated from this bench that the charge would have to be directly asserted and established in order to obtain a ruling to the effect that the affidavit was inadmissible. On the basis of the record before us, we must, and do hold that, as a matter of law, no showing of duress has been charged — sufficiently charged, much less has one been established. That is to say, taking and accepting the facts asserted as true, they do not disclose that this defendant was under duress or suffering from coercion at the time of the execution of the affidavit offered by the prosecution.

We should like to take advantage of the opportunity to say to counsel that a charge of fraud and duress is a **serious** charge and ought not be made ill advisedly. A considerable part of the time of the Tribunal has been consumed in what now appears to have been an idle inquiry. We cannot believe that counsel for the defendant would have asserted this charge if he had been in full possession of the facts or if he had inquired of his client the surrounding circumstances before he made the objection, and we offer the further observation that, so far as the record before us now stands, there is no basis whatever in law or in fact for the conclusion that the prosecution was guilty of any improper conduct in the obtaining and the offering of the affidavit.

The objections to the introduction of the affidavit are now overruled and the record may show the affidavit in evidence.

DR. NATH (Defense Counsel for defendant Max Ilgner): Mr. President, in regard to this affidavit which was just the subject of our discussion, I find myself in some difficulties. May I point out to Your Honors that, in that very same affidavit which was just now discussed, there is contained a statement made by my client, Dr. Max Ilgner. This concerns an interrogation of the 4th of August, 1947, during which Dr. Max Ilgner and Mr. von Schnitzler were interrogated together. This affidavit, which is before us now, was signed and certified again by Mr. von Schnitzler in the year of 1947, but was not certified so by my client. He made no certifying statement to that affidavit in the year of 1947. The question now arises for me, with regard to this document which, as far as my client is concerned, only contains statements of my client and also contains evidence which incriminates my client, and if I have to assume that, let me point out the following to the Tribunal. The interrogation took place on one morning of the 4th of August and was continued during the afternoon. The first interrogation, during the morning, was signed by my client, under oath. From the document which I have here, it becomes apparent that

Dr. Max Ilgner - you will find that on page 23 - did not sign the record of the afternoon session. Here you only find the signature of Herr von Schnitzler. Dr. Max Ilgner, however, did not conclude the record and did not sign it. It is my opinion that any such record can, therefore, not be called a complete document as an essential part of that document is missing, which is the certifying signature of the man who was interrogated. For that reason, regarding this part of the document which originates from the year of 1945, the afternoon of the 4th of August, I have to raise an objection. I would be grateful if the Tribunal would rule on this objection.

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Mr. SPEECHER: I think we are being detained over a small point. The interrogator in 1945 merely neglected to have the defendant Ilgnor to sign the afternoon session although the defendant von Schnitzler did sign. Now in 1947 the defendant von Schnitzler certified to the correctness of the entire record of the transcript of the interrogation of 1945 but he only swore to those parts of it which he made. Now, that leaves us with a situation where the defendant Ilgnor has merely not sworn to a particular series of questions and answers which have been transcribed. It seems to me at most that that is a question which would run to the weight and that it is not a question to be brought up at this time concerning the admissibility of the document as far as the defendant Ilgnor is concerned.

Mr. PRESIDENT: The Tribunal is of the view that the only matter now before us is the admissibility in evidence of the affidavit bearing date of 1947. Although we are well conscious of the fact that references are therein made to prior statements and affidavits, on the state of the record the objection is overruled. Counsel will have full opportunity before the conclusion of this trial to offer whatever explanations he may see fit to offer with reference to the connection of the exhibit with his client.

Mr. ASCHENAUER: (attorney for defendant Gattineau):

Mr. President, during the session of the 29th of August 1947 I have been requested to make a report as to what extent a duress can be seen in the affidavit which was made by my client. I have done that according to the request which was made during that session of 29 August 1947. I should like to quote this statement as found as follows: "At the beginning of March 1947 Dr. Gattineau was called to an interrogation by the Interrogator Verber. As soon as Gattineau could not answer a question to the interrogator's satisfaction the interrogator became excited and asked the guard in that excited condition, 'take him out.' " A few days later

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Mr. Gattineau was recalled to an interrogation which started at 1830 hours and lasted until 2230. Present was a Commission of three men to which Mr. Verber also belonged. One of these gentlemen belonging to that circle threatened, intimidated, and deceived the defendant. On the one hand the appearance was raised that Dr. Gattineau was being interrogated as a witness. On the other side he told the defendant with the following words, and I quote: "You often contradicted yourself during these interrogations. You know what is in store for you. Think of your family; you are married." These words had to be heard by the defendant who had been arrested, for 17 months under the most difficult conditions, suffering hunger and cold. His state of health had been weakened on account of this; at that time he had lost approximately 50 pounds; he had to accept these remarks in the sense that he or his family had terrible conditions in store for them. A few days later, on the 13th of March 1947, Mr. Gattineau was lead before the interrogator Verber; this Verber submitted to the defendant a five page affidavit of which he himself was the author and asked for the signature of the defendant. Gattineau asked for the copy and asked to be given an opportunity to study it in his cell, since complicated events were mentioned therein which partly took place 15 years ago. This was refused strictly by the interrogator. Further corrections regarding the correction of this document were also refused. The defendant only succeeded in making a few corrections. Finally, Mr. Gattineau signed this affidavit under impression he got, namely, that he himself and his family would get into difficulties otherwise. After the defendant freed himself from this pressure and duress he asked repeatedly, verbally and in writing that he be given an opportunity to correct that affidavit. He pointed out mistakes, errors, and erroneous formulations. That also happened on the 17th of April 1947 in writing. All these presentations were denied. Then on the 31st of May 1947 the defendant withdrew his signature. The

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following shows the correctness of these facts. The defendant immediately, after his interrogation, made notes. These notes, on the occasion of his first meeting with me after I was appointed as his defense counsel, he handed over to me. In these notes it is stated: And I quote:

"Preparation 17 months in captivity, suffering, hunger and cold. Lost 50 pounds weight. Mail withdrawn from me. Sometimes I didn't get mail for three or four weeks. I was threatened with force being used, deception Three interrogators, Thrown out, Verber said, "take him out;" Content not formulated by me; formulated by Verber, a cunning mixture of what was true and what was false. Several corrections requested. That was denied. In writing applied for three corrections, asked for counsel twice; this was denied."

It is shown as a result of another statement which was made to me during my first discussion with him that I should like to quote the following:

"I was in captivity, suffering bad nourishment and cold during the months of winter; I have lost 50 pounds of weight. Before his affidavit was submitted to me, and I am referring to the affidavit of the 13 of March 1945, the interrogators during a number of meetings have tried to intimidate me through psychological pressure. They asked me to make testimony in a sense that they wanted me to make it. The interrogator further, for instance, when I was not able to make testimony as he wished me to, threw me out saying that my statements did not correspond with the truth. A short time thereafter interrogations took place in the evening through three interrogators and one of them was Verber. The President stated that I had contradicted myself during these interrogations to such an extent that they had sufficient evidence against me. They said that I knew very well what was in store for me. They asked me to think of my family." It can be seen from further notes, and I quote, "I asked for permission to see the counsel Aschenavet for legal advice."

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The following note is contained under that and I quote, "denied," because, it was stated, I was a witness. That was on the 2nd of April 47.

MR. McCHAM: If Your Honors please, we think it would be helpful to appraise the merit of counsel's argument to briefly glance at the affidavits which are in Book III, NI 4833, Prosecution's Exhibit 26 for identification, on page 4 of the Document Book in English, and Prosecution's Exhibit for identification 27, NI 5170 which appears on page 8 of the English Document Book. Your Honors will please note that affidavit of Gattineau of 13 March 1947 is the affidavit as to which we understand counsel for defense is asserting that it was obtained under duress. NI 5170 which appears on page 8 are the first facts alleged by the defendant and his counsel indicating the extent and manner of duress. I think it would be helpful to read from that statement, on page 8, NI 5170, Exhibit 27 for identification. It is dated June 4, 1947, and it would be well to point out to your Honors this is one month after the

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indictment was served on the defendant. The affidavit of March 31, 1947 is more than a month before the indictment was served. The statement of the defendant Gattineau states:

"The affidavit of 13 March 1947 which was presented to me by Mr. Verber, contains a number of mistakes and incorrect and erroneous formulations. I mentioned them verbally and afterwards requested a written rectification of these points which seemed particularly important to me. On close examination, however, for which I had no time then, I found that the statement is also incorrect in other respects. I therefore withdrew my signature from the affidavit of 13 March 1947. Nurnberg 31 May 1947 (Signed) Heinrich Gattineau."

Now, if your Honors please on the face of that statement appears nothing more than an attempt to argue different facts. There isn't a word of anything suggesting coercion or duress. It simply amounts to that now when this defendant has retained counsel he is desirous of telling a different story. That we respectfully submit has nothing to do with the admissibility of this affidavit; it is something that the defendant can very well present in connection with his case in chief. The argument of Gattineau's counsel is along the same line. He seems to suggest that the statements in the affidavit are somewhat different than from what appeared to be set forth. His factual recitals do not, we submit, constitute, either as a matter of fact, as a matter at law, coercion or duress. We think no issue of fact has been raised but for the record I should state very briefly some facts in connection with the interrogation of the defendant Gattineau. In the Interrogation Division of the Office of Chief of Counsel, a docket is kept by each interrogator, indicating the day when and whom he interrogates and the hours at which the interrogation takes place. That record, which is one kept in the regular course of

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business, indicates that as to the defendant Gattineau he was interrogated 33 times. Since this affidavit of March, 13, 1947 he has executed other affidavits and I think your Honors would be interested in noting the Prosecution Exhibit 28 which is an affidavit of Gattineau June 1947. It was admitted into the record without any objection of course. Other affidavits have been signed by this defendant after the particular one of 31 March 1947. Now, we do not believe it would be helpful to call the interrogator on the stand because over a series of 33 interrogations we cannot tell which interrogation was particularly relevant to March 13, the date of the execution of the affidavit. On the date of the execution of the affidavit the Interrogators spent two hours with the defendant Gattineau at which time he read the affidavit, made corrections in his own handwriting, and signed it. We think there is no showing factually, from the allegations made by defense counsel, which are enough to raise a triable issue and we ask your Honors, therefore, to over-rule their motion.

JUDGE MORRIS: Before you sit down I would ask you if you have the original or the photostatic copy of the affidavit of March 13, 1947.

MR. AMCHAN: We have your Honor; it is in German and I hand it to the Secretary for your Honors inspection.

JUDGE MORRIS: May I see it, please.

DR. ASCHENAUER: Mr. President, I deduce from what the Prosecution said that the relevant words are not being contested in these affidavits. "You contradicted yourself often during these interrogations; you know what is in store for you; think of your family; you are a married man."

It is quite obvious that these sentences created a situation of duress. For that reason it is certainly not important what

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corrections were actually made thereafter. Apart from that it can be seen from the evidence that these are corrections which are far from being sufficient. Counsel for the Prosecution has quoted my letter dated 4 June 1947. I have written this letter to the Prosecution intending that this case be dealt with in a better and more suitable manner than the manner in which it is being dealt with now. At any rate the counsel for the Prosecution did not mention the written application of 17th of April 1947. As the defendant Gattineau has sent this letter to the Prosecution as well, it certainly cannot be said that there was no time between the 13th of March 1947 and the 4th of June 1947. There were verbal objections made repeatedly and throughout written objections. It was asked that a supplementation be made and that was dated 17th of April 1947. For these reasons I ask you to sustain my objection.

I ask you that this affidavit, dated 13 of March 1947, be not admitted into evidence. The Prosecution mentioned affidavit of the 12th of June 1947. That was signed in my presence and under different methods.

MR. ANSCHAN: The Prosecution does not want to be understood as saying or agreeing that the defense counsel's version of the facts is correct. On the contrary we take very strong issue as to their version as to what transpired when this affidavit was executed and we are prepared, if your Honors think it is necessary, to put Mr. Verber on the stand, and tell you precisely as to what occurred. When I say I don't think they present the triable issue of fact we mean, of course, as a legal proposition on its face even if we believe the fact there is no legal issue raised. But of course, as matter of fact we deny what they say is true.

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THE PRESIDENT: The Tribunal will at this time take its morning recess.

(A recess was taken.)

THE MARSHAL: Persons in the courtroom will please be seated. The Tribunal is again in session.

THE PRESIDENT: Considering all of the circumstances surrounding the interrogation of this defendant, the execution of the affidavit offered in evidence and the subsequent facts relating to it, including the fact that the defendant did make corrections in the affidavit, the fact that he has, according to the record, made subsequent affidavits about which no question has been raised of coercion or duress, the tribunal is inclined to the view that the statement of counsel, predicated upon the theory that there was coercion and duress, does not amount as a matter of law, even if accepted as true to a showing sufficient to bar the admission of the affidavit.

The defendant will, of course, be accorded full opportunity to make such further explanations with reference to the facts contained in this affidavit as he may deem to be proper. The objection to the admission of the exhibit are now overruled by the Tribunal.

MR. DUBOIS: There is one more matter, your Honors, which I believe we can dispose of this morning and which will, I hope, enable us to proceed much more expeditiously with the introduction of documents. That relates to the question of the introduction of affidavits by witnesses who could be called to Murnberg within a few days, if necessary, to testify.

The defence have been furnished with a copy of the remarks which I made on the subject. I believe they have a statement to make.

DR. DIX: (Counsel for defendant Schneider): I should like to ask not to agree to this motion for the General admission of all affidavits, and the prosecutor has already said that they were negotiating with us about the principles which we are to apply here. I should like to make a short statement. Undoubtedly, the question, whether it is better to submit an affidavit and later to call the witness for cross-examination or to call him for direct examination, is a matter which must

must be governed by the circumstances of the individual case. The prosecutor must be accorded that limits hard to draw. Therefore, it is not advisable to lay down hard and fast rules. It is quite evident, and it is the concept of the defense, that when statements containing figures and other records are to be given, it is better first to submit an affidavit and then to call the witness and this is why the defense have not objected to various affidavits which have been introduced.

The case of delegate Schmidt is different. There we are concerned with different political and psychic statements of affairs and it is quite evident that this witness is better interrogated than by examining him in the witness box. Therefore, it would be better to stick to the rules which were made when the prosecutor referred to this procedure than is to be governed by individual cases and this is the sense of our negotiations with the prosecution, and the following statement has been formulated by us, and I now read the draft to you. The English translation has been given to the interpreters. This is only draft and a final agreement has not yet been reached.

"Statement of defense concerning the calling of affiants during the course of Case No. VI. The defense pleads that the prosecution and the defense can agree in most instances on when the witness must be called, in those cases in which there must be a direct examination with the exclusion of the affidavits, as well as in those cases in which the affidavit is introduced and the cross examination of the affiant is desired.

"Secondly, the defense agrees that with respect to many witnesses, the witness can better be called when all or most of the affidavits given by this witness have been offered in evidence by the prosecution. However, the defense would like to have the Tribunal indicate that it is not necessary, therefore, for the defense to indicate in each case its desire to cross examine an affiant at the time of an affidavit by this affiant."

I have been informed with regard to this sentence by my colleagues

who have had experience in procedure, that it is not necessary to submit the affidavit, but that the cross examination does not necessarily have to be conducted and applied for in the beginning but can be applied for later.

I believe that it will be possible to achieve smooth cooperation with the prosecution in this matter.

THE PRESIDENT: The Tribunal wishes to take advantage of his opportunity to express its appreciation of the cooperative attitude of counsel for the defense and the prosecution in dealing with this matter. Manifestly where, for example, an affidavit contains a summary of record or a statistical matter, the time of the Tribunal would be very much conserved by admitting an affidavit with, of course, corresponding opportunity for the production of the witness when it appears to be necessary for the purposes of cross examination.

On the other hand, there may be instances where the affidavit relates more or less to personal conduct, personal observations, where it would be better if the author of the affidavit, if available, could be produced in lieu of the use of the affidavit for examination before the Tribunal and for an opportunity for cross examination.

The Tribunal says again that it much appreciates the efforts that you gentlemen have made to be of help in solving this problem. We have no doubt that in most instances you will be able to agree. If perchance there may be some that you cannot, in the interests of your clients and your causes, agree upon a course of conduct, we shall try to help you to work it out in a manner that is calculated to meet the requirements of a fair and impartial trial of the defendants.

MR. DUBOIS: There were three affidavits of the defendant von Schnitzler in Document Books I and II which I would now like to have accepted in evidence and mark as follows: I believe that in document book II, on page 67, NL-5197 has already been identified as Exhibit 18 and I ask that it now be accepted as Prosecution Exhibit 18.

THE PRESIDENT: It may be so ordered.

MR. DU BOIS: I ask that NI-5191, which is an affidavit of the Defendant von Schnitzler of 4 March 1947, which appears on page 107 of the English document book and page 97 of the German document book, be accepted as Prosecution Exhibit 40. In the affidavit in Document Book I, appearing on page 54 of the English document book and page 64 of the German document book, being an affidavit of the Defendant von Schnitzler of 18 March 1947, be accepted as Prosecution Exhibit No. 41. It is numbered NI-5196. ✕

I would like at this point to read certain excerpts from these affidavits. The first affidavit that I would like to read from is NI-5191, which begins on page 107 of the English document book and page 97 of the German. There are a few paragraphs in the beginning of this affidavit which are incorporated in the other affidavits which I would like to read at this time.

"I was living near Frankfurt, Germany in late March 1945 when the American armed forces occupied the area. I was taken into custody on 7 May 1945 by the American authorities and I have remained in detention ever since that time, except for three periods when I was granted authority to be with my wife under house arrest. During the period from May until late Fall of 1945, I was regularly questioned by American and Allied investigators, particularly by the American investigators, Mr. Ritchin, Mr. Weisbrodt, Mr. Glaser, Mr. Linville, Mr. Hollander and Mr. Devine. During this period of investigation I was ordinarily brought from Preungesheim prison in Frankfurt, Germany to the Reichsbank building in Frankfurt nearly every day along with a number of other former officials of the I. G. Farbenindustrie. There, I and the other officials were asked to give information concerning the history of the I.G. Farbenindustrie and other matters either through interrogations or by writing up or dictating various statements concerning topics which were given to us by one or more of the investigators.

"It has always been my intention to give the truth according to the best of my knowledge and belief to the Allied investigators. I never

intentionally gave false information of any kind. The relationship between the investigators and me in Frankfurt during 1945 was very free and open and very cordial. In Preungesheim American soldier-prisoners were also detained. On a number of occasions I felt that I was mistreated in the jail because of the dislike which certain of the soldiers had for me. When I reported some of these incidents to the investigators, they interceded on my behalf with some success and sometimes without success. The investigators generally stated that they wanted me to give my best recollection of events without access to documents. Except for a few occasions when my recollection was refreshed by being shown a document, the statements I made and the interrogations to which I subscribed were based entirely upon my recollection and belief as of the time I was interrogated and made the particular statements. At no time during the investigations of 1945 was I prevented from correcting any statement which I made if thereafter I thought I had made an error. The typewritten statements which I signed were made in the following manner: I would first be asked to give information on a certain topic. Thereafter I would go to a room where I could be alone and write up the matter in longhand or else made longhand notes which I later used as a basis for dictating a statement to a German or American stenographer who took English stenography. Sometimes it took me less than a day to write up some of the statements. With some of the longer statements, however, it took me as long as three days to complete them. After the stenographer or typist reduced the statement to writing I went over the statement to make any corrections and then certified to the truth of the statement. The records of the interrogations were made as follows: Sometimes the questions and answers were immediately reduced to writing as originally made. Sometimes, after a period of discussion between the interrogator and me, a question or answer would be written down for the record which summarized the results of the matters discussed. Whichever of these methods was followed in these interrogations, I thereafter went over the written record of the interrogation to correct any

errors and thereafter certified to the truth of the matters stated in the interrogation. In October I was removed from prison and placed under house arrest and thereafter re-arrested again. Mr. Edelman, CIC Finance Chief, informed me this was done on orders of higher headquarters because I was in the category of mandatory arrest. At that time I was informed in writing by Mr. Devine that the reason for my further imprisonment was not because of any failure to cooperate with the American authorities. This same letter states that my assistance from an information gathering standpoint has been invaluable.

"After these interrogations in 1945 were concluded, I was detained in a number of prisons or detention camps along with leading officials of the I.G. Farbenindustrie. After discussing a number of matters concerning which I had given information with my colleagues, I came to the conclusion that I gave some erroneous information to the investigators in 1945. In no instance do I feel that I gave erroneous information intentionally. What I stated and concluded in the statements and interrogations in 1945 represented the truth as I saw it then to the best of my recollection and belief. I account for any errors which I made entirely for the following reasons: After the collapse of Germany I was in a state of great mental depression. I felt clearly that the Hitler regime had caused the ruin of Germany and of a great deal of Europe. Under these circumstances I associated some events together which I do not now feel should have been associated together in making some of the conclusions which I made. Moreover, I was asked to give my recollection and my conclusions concerning a number of events which were connected with I.G. Farben in the technical or in other fields where my duties had not given me a full insight into the true facts and concerning which I could then, in 1945, obtain no assistance by reference to the I.G. files. What I stated to the investigators in 1945 was true to the best of my recollection and belief at that time. However, since then I have talked to some of my colleagues who were better informed of these matters than I was and I must conclude I made certain errors which I

certified as the truth to the Allied investigators:

"Between 18 February 1947 and the present time, representatives of the Office of the Chief of Counsel for War Crimes showed me many of the statements and interrogations to which I had subscribed in 1945. I have been asked to point out any falsehoods or errors which I made in these statements or interrogations. I have stated to them under oath that I had made no false statements, because the statements I made were true to the best of my knowledge and belief at the time that I made them in 1945. However, where I unintentionally made errors in these statements I have pointed out these errors. The errors I now find after re-reading the statements or interrogations mentioned below are set forth below:"

And then in this affidavit and in following affidavits there appear a reference to the various statements made in '45, and then toward the latter part of the affidavit appear certain qualifications.

I will read a few excerpts from these statements, and after I read the statement that was made in '45 I will follow with the qualification.

On page 115 of English Document Book No. 2, which is page 108 in the German document book:

"Thus everything as far as the general structure of I.G. was concerned remained unchanged, and every month added something new to the existing potential. The industrial position of I.G. in general had no parallel with any other enterprise. Vereinigte Stahlwerke employed more people and the State-owned Hermann Goering Works had collected so many different enterprises that their capital and their turnover might even have been higher than that of I.G., but both their domains of activity, their earning capacity and scientific performance, was incomparably smaller than what I.G. could show in these domains. Compared with the great companies abroad, even in the United States, no single individual company had so large a field of progressive scientific enterprise as I.G...."

And then on page 109 appears this -- pardon me, it is 116 of the English document book. It is 109 of the German document book. "This

statement still appears to be entirely true and correct to the best of my knowledge and belief, except that...." I do not believe that any of the exceptions relate to what I just read.

And, reading from the affidavit which appears in Document Book No. 1, page 54 of the English document book and 64 of the German document book, the first paragraph makes reference to the paragraphs which introduce the previous affidavit, and the first paragraph concludes with the statement:

"When I subscribed to these statements or interrogations in 1945, the matters to which I subscribed were true to the best of my knowledge and belief at that time. The errors I now find after re-reading the statements or interrogations mentioned below are set forth below after the text of each of the statements or interrogations."

Continuing on the same page:

"The I.G. by force had to follow the general development in Germany. Whatever government ruled Germany, the key position of the I.G. in the whole chemical field, undisputed since I.G.'s foundation in 1925, had to play and always played the decisive role in everything which was connected with chemistry. I remember a remark of Stressmann's made to me in 1927: What have I as a trump in my hands apart of you, the I.G., and the coal people?"

"That I.G. would follow a line which was not in conformity with the line of the government was simply unimaginable, and that I.G. could refract from an order given by the government or take the attitude of an open or clandestine opposition was out of the question -- even at a time when Germany was a democratic state and government measures could be openly criticized.

"Thus, I.G. was 'governmental' under Stressmann as well as under Bruening, 2nd under Papon."

And a little further down, on page 55 of the English book and 65 of the German:

"The money was being taken but the result was more or less null, and up to the last time of the war I.G. was always suspected of being 'a state in the state' and the dismemberment of I.G. never left the clandestine Party program. On the other hand, the Party, in the form of 'Adolf Hitler Spende' and 'Winterhilfswerk' (WHW), and many other ways, converted the subventions given formerly as a sort of bribery into a legal claim."

Later on in this same excerpt, same statement, in '45, on page 56 of the English book and 66 of the German:

"The whole development of I.G. in the years beginning with 1934 and accelerated since the end of 1936 is entirely due to the close teamwork with the government and the Wehrmacht."

A little further down: "Practically the whole augmentation in the turnover of I.G. from a little over one billion marks to three billions in 1943 is a one hundred percent result of the rearmament and the war policy of the German government."

Again on page 67 of the English book, at the bottom -- also at the bottom of page 67 of the German document book: "Apart of this technical situation, the development of I.G. during the last twelve years can't be separated from the government's foreign policy." It should be page 57 (of the English document book).

And on page 64 of the English book, 74 of the German book, the middle of the page:

"As I stated in the beginning of this report, since 1934 the Wehrmacht, first being only an additional factor to the relations having always existed between I.G. and the different Ministerien, more and more developed to be the decisive, or at least the most important, factor."

And now reading from this same affidavit the qualifications -- I am sorry, there is one more from that same statement -- one more excerpt I would like to read. Page 66 of the English book, 76 of the German book:

"With the growing of the military---" It starts back on the previous

page with a brief statement! "To summarize, the following must be stated: 1) With the growing of the military interest in the government's program, I.G.'s relations to the Wehrmacht personally became an additional factor in I.G.'s official relations to the different other ministries. By and by, the Wehrmacht became by far the most important one, and with the beginning of the Four Year Plan the investment policy of the I.G. was not to be separated any more from the policy of the Wehrmacht. Nearly all investments were made directly or indirectly for the Wehrmacht. I.G. was on the whole a loyal and complaisant partner of the Wehrmacht. That the Wehrmacht was not a typical Nazi institution and only followed itself in material the line prescribed by the Party is well known. The higher officers doing their duty as law-abiding officers were not Nazis by conviction -- they have proved it on July 20th, 1944.

"2) I.G. followed the 'Grossraum-Politik' of the government because there was no other economic policy to be made.

"That I.G. itself would have preferred a policy of 'most favored nation treatment' and 'world-wide trade' became a pure theory and could not lead to any real consequences.

"3) In the handling with Party matters, I.G. acted after the policy 'muddling through' with the result that in the last it always had to yield.

"4) Thus, in acting as it had done, the I.G. contracted a great responsibility and constituted a substantial - and in the chemical domain - decisive help to Hitler's foreign policy which led to war and the ruin of Germany.

"5) Thus I must conclude that I.G. is largely responsible for Hitler's policy."

The qualifications to the statements which I have just read begin on this same page, page 66 of the English book and 77 of the German book. I will now read I believe all the qualifications which the defendant von Schnitzler made to these statements:

"This statement--" referring to the statement from which I have

been reading excerpts -- "still appears to me to be entirely true to the best of my knowledge and belief, except that:

"a. Generally speaking, it does not sufficiently separate the pre-war from the war period----"

THE PRESIDENT: Pardon me, counsel. We have this statement directly in front of us and, unless you think it is highly important to repeat it for the record, I can assure you that the Tribunal will read it thoroughly. We have its connection with the statement. Perhaps we can save a bit of time -- unless there is something in particular that you want to emphasize.

MR. DUBOIS: I would just like to read -- I will just read one statement which appears later, on page 70 of the English book and page 80 of the German book, which begins:

"On page 11, paragraph 3, sub-headings 4 and 5" -- which were part of the summaries which I read -- "I must now make the following qualifications. I believe that I and I.G. Farben, as a whole have contracted a great responsibility before God in that our acts constituted a substantial help to Hitler's foreign policy. However, I did not mean that I accept any responsibility in the legal sense. To the best of my conviction, we never did anything unlawful against humanity. But we were in this terrible boat with Hitler, and since we have participated in handling this boat, we have a responsibility before God -- and consequently before mankind."

The last affidavit, NI-5197, appearing on page 67--

THE PRESIDENT: Of which book, please?

MR. DUBOIS: On the second document book -- I am sorry. It begins on page 58 of the second German document book.

THE PRESIDENT: We understand counsel to say 67 of the English book.

MR. DUBOIS: Sixty-seven of the English Document Book No. 2. The affidavit begins -- I will just read one excerpt from this affidavit which appears on page 89 of the English book and page 80 of the German book, entitled "Summary by von Schnitzler":

"In 1934 the Wehrmacht became important and, with increased tempo after 1936, the Wehrmacht became the prominent factor in the whole picture. Since 1934, a strong movement for investments in our plants for commodities of decisive military importance became more and more pronounced with the main objective of increasing the military potential of Germany. At first, autarchic principles to make Germany independent of importation from abroad was one of the leading objectives. Since the declaration of the Four Year Plan in 1936, this movement took an entirely military character and military reasons stood in the foreground. Hand-in-hand with this, the relations between I.G. and the Wehrmacht became more and more intimate, and a continuous union between I.G. officials on the one side and the Wehrmacht representatives on the other side was the consequence of it."

The qualification to that is rather short and I would like to read that. It appears a little later:

"In the summary by von Schnitzler, beginning at the bottom of page 4, I over-exaggerated the degree of I.G.'s relations with the Wehrmacht before the outbreak of the war. In the beginning it was not the Wehrmacht but rather the REM and the Four Year Plan which acted as representatives of the Reich in the different dealings with synthetic oil, buna, synthetic fibers, a.s.c., and the Wehrmacht was primarily not directly engaged in these so-called 'autarchy dealings'. Of course, the Wehrmacht was highly interested in them and made tests with all the products contained in that program."

Some question has been raised on the numbering of these exhibits. I had numbered the von Schnitzler affidavits NI-5191 in Book 2 and NI-5196 in Book I as 40 and 41 with the understanding that 38 and 39 had been used at least for identification purposes in Book III.

THE PRESIDENT: We have the exhibits so numbered, except that I have not checked to see whether what you say with reference to Book III is correct. The last number in Book III that was used was 38, as we have it.

MR. DUBOIS: The Secretary General's last number is apparently 37.

THE PRESIDENT: In Book III, Document D-204, which is further identified as USA-768, is identified as Exhibit 38.

MR. DUBOIS: That is what I have, Your Honor. Apparently the Secretary General has an indication that there was some objection made there and that that had not been finally accepted.

THE PRESIDENT: That may be true as we are presently advised, but the exhibit does bear that number and I think we are in harmony on that.

MR. DUBOIS: Fine. Well, then I ask that the document in Book 2, NI-5191, be numbered 39 and that the document in Book I, NI-5196, be numbered 40.

Now, proceeding with a few documents in Document Book 2 which I had not offered before pending the clarification with defense counsel of this question of the introduction of documents which have been sworn to or certified by witnesses who could be called to Muerenberg. The map on the wall, a copy of which is in this document book, indicates the number of subsidiaries or lesser participations which I.G. Farben held in various countries throughout the world. These figures are based upon two lists of participations: I.G. Farben's participations in Germany and I.G. Farben's foreign participations.

THE PRESIDENT: Pardon me, in order that there may be no confusion, are you speaking of the map on the wall as being document NI-9765?

MR. DU BOIS: NC-9763.

THE PRESIDENT: Yes, 63 is correct.

MR. DU BOIS: Now these figures which are contained on these maps are based on these participations and we offer first a listing of I.G. Farben domestic participations together with the affidavit of former employees of Farben, certifying as to the source of this list. I ask that the document NI-9286 be numbered as prosecution exhibit 42 and NI-9503 as prosecution exhibit, I am sorry, it should be 41 and NI-9503 as prosecution exhibit 42. And then the list of I.G. Farben foreign participations, which have affidavits and certificates at the end, I ask that it be accepted as prosecution exhibit 43.

THE PRESIDENT: Do you refer to....

MR. DU BOIS: NI-9540 appearing on page 22 of the English document book. As prosecution exhibits 44, 45 and 46. I offer NI-10033 on page 49-A of this document book and NI-10034 appearing on page 49-B, NI-9445 appearing on page 49-C. The last document being an affidavit by Ernst Struss giving the source of the information for the previous document.

As prosecution exhibits 47 and 48 I offer NI-16029 and NI-10030 appearing on pages 50 and 51 respectively, which are charts of plants in one case owned and operated by Farben in Germany as of 1944 and in the other case owned and operated by Dynamit Nobel, A.G. Both of these charts have been certified to by Dr. Struss. I would like to make one statement with respect to this last chart. Dr. Struss was somewhat troubled that in that chart the way in which he showed the Wasag plant as being connected with DAG -- might lead to some misimpression. He had sent me, which I got this morning, an affidavit in which he points out that he has learned that I.G. had a 52% interest in Wasag, through Morsburg GmbH. and 25% in Donauchemie, consequently a majority interest in the Wasag was held by I.G. and not DAG. I will have copies of this affidavit made in English and German and distribute them as supplements

to this document to the court and defense.

THE PRESIDENT: Now counsel, going back to your document book 2, you have not yet given the map of which a reproduction is on the wall and which is identified as NI-9763 a number; is that correct?

MR. DUBOIS: That is right. For convenience sake, it is based on documents already in the book, but I would like to ask that that be numbered prosecution exhibit 49.

THE PRESIDENT: Very well.

MR. DUBOIS: And I offer NI-7239, which appears on page 53 of the English document book, which is an affidavit of Paul Denicker concerning a 1926 agreement between Farben and DAG, as prosecution exhibit 50.

I believe that concludes the document book 2, except for the affidavit of Werner Hagert whom we can put on the stand at the appropriate time. We will discuss with defense counsel whether they would like him put on when this is introduced or be put on later as we have several affidavits of his to be offered.

THE PRESIDENT: Very well.

MR. DUBOIS: Mr. Amchan will proceed with further documents in document book 3.

MR. AMCHAN: On book 3, if your Honors please, first some purely formal matters, I think the record should show that defendant Schmitz' counsel is present in court.

THE PRESIDENT: That may be assumed unless there is a showing to the contrary.

MR. AMCHAN: In document book 3, NI-4833 is before your Honors as prosecution exhibit 26 for identification and NI-5170 is before your Honors as prosecution exhibit 27 for identification. We ask that they both be marked in evidence as prosecution exhibits 26 and 27 respectively.

THE PRESIDENT: So ordered.

MR. AMCHAN: With respect to prosecution exhibit 37, being D-203, which appears on page 64, we understand that is in evidence.

Document No. D-204 we now offer in evidence, which appears on page 74.

That document is a memorandum by the defendant Krupp von Bohlen with respect to the meeting of 20 February 1933 where Hitler addressed the select group of industrialists.

Now we indicated at the other session that with respect to documents 203 and 204 that these documents were before the IMT. Counsel for the defense seemed to have raised some question on the facts. We have a certificate which we will give the secretary, by the custodian of the IMT records, certifying to the effect that the two documents just identified were officially before the Tribunal.

In addition for the record, we should like to read from the official record of the International Military Tribunal, which is contained in volume 2 of the Blue book, page 226 being the afternoon session of 23 November 1945. This is a statement of the prosecution and I quote:

In a memorandum dated 22 February 1933, and that refers to document D-204, Gustav Krupp describes this meeting briefly and in the memorandum wrote that he had expressed to Hitler the gratitude of the twenty five industrialists present at the meeting of February 20 1933.

Again reading from the record, "I might point out to the Court, that this memorandum together with the report of the speech of Hitler, which is Document D-203, were found by the British and the United States Armies in the personal files of the defendant Krupp." Now the original of those documents, we have ascertained, are in the possession of the British and they are not located in Germany. We shall endeavor to get a certificate from the British custodian and the appropriate affidavits of the effect that these two documents appeared from the personal files of Krupp. In the meantime for the record, we are laying the foundation to indicate that they were introduced in the International Military Tribunal without objection on the statement and apparently on the certificate made that these documents came as captured documents from Krupp.

I suggest, your Honors, this might be an appropriate time for recess.

THE PRESIDENT: It is only two minutes until time for lunch.
The Tribunal will rise at this time.

(A recess was taken until 1330 hours.)

(The Tribunal reconvened at 1330 hours.)

THE PRESIDENT: are the defendants in the dock?

DR. BOSTICHER: (Counsel for the defendant Krauch.) Dr.

THE PRESIDENT: The Tribunal has no objection to that procedure if it is satisfactory to counsel.

THE PRESIDENT: Of which volume, please?

MR. DELOIS: Volume 2, document book 2.

MR. DUBOIS: I understood it would be 51.

THE PRESIDENT: Thank you.

A.R. ALCHAP: Continuing, if Your Honors please, with document book 3 with respect to the certificate of the custodian of the records of the International Military Tribunal which we referred to earlier this morning, I ask that it be marked for identification as prosecution exhibits 52 for identification.

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Then identify the following six documents as being in his custody as official records of the I. M. T.; Document D-151, Document D-203, D-204, D-317 and P. S. -2828.

The documents which we are about to offer relate to the charges set forth in paragraphs 10 to 13 of the indictment and it relates to the charges of the financial support given by I. G. Farben to Hitler at the beginning of 1933. We offer in evidence as prosecution exhibit 53, N. I. 406 which appears on page 75 of the document book being an interrogation of Eyalmar Schacht on 20 July 1945 with respect to the occurrences at the meeting of 20 February 1933. I should like very briefly to read excerpts from his interrogation from the document book at page 87.

THE PRESIDENT: Will you give the German reference please?

MR. ALORAN: Sorry, I don't have it just now but I will time it accordingly. Page 105 of the German:

Question: "Let us then direct our attention to February and March 1933. I have been told by Goering and by Funk and by Baron von Schnizler and also by Thyssen, that there was a meeting held in the house of Goering of certain prominent German industrialists at which you were also present in 1933. This was after Hitler became chancellor, but before the elections of that spring. Hitler came into the meeting and made a short speech and left. Then, according to the testimony of Funk, you passed the hat." This is Schacht testifying: "You asked the industrialists to support the Nazi Party financially to the tune of approximately seven, eight, nine or ten million marks. Do you recall that?"

Answer: "I recall that meeting very well. and I have answered the same question to Major Tilley. It must be in one of my former memorandums or in the hearings done by Major Tilley. As far as I remember, the meeting was not in Goering's house, but in some hotel room, I think, or some other more public room. After Hitler had made his speech the old Krupp von Bohlen answered Hitler and expressed

We offer next, as Prosecution Exhibit 54, NI 9764, being an affidavit of Schacht, dated 18 August 1947, identifying the previous document book. There is a typographical error in the transcription and I should, therefore, like to read the corrected second paragraph into the record. The paragraph should read; "I made all of the statements appearing in this interrogation to Clifford H ynnig, a financial investigator of the American forces, of my own free will and without coercion. I have reread this interrogation today and can state that all of the facts contained therein are true to my best knowledge and belief."

And this now appears in Schacht's handwriting :

"....with the exception that the Golden Swastika did not entail honorary membership of the Party", referring to page 34 of his interrogation.

JUDGE MORRIS: Mr. Prosecutor, I believe that was paragraph 3 of the affidavit rather than paragraph 2.

MR. AMCHAN; You're entirely correct, Your Honor. Paragraph 3.

We offer next in evidence, as Prosecution Exhibit 55, NI 9550, being an affidavit of Schacht, of 12, August 1947, concerning the collection and distribution of the funds which were collected after the February 20 meeting. It appears at page 11 and there are two pertinent paragraphs which I believe it would be helpful to read.

Paragraph 2:

"The amounts contributed by the participants in the meeting of 20 February 1933 at Goering's house

were paid by them to the Bankers Delbrueck Schickler & Co., Berlin, to the credit of an account 'Nationales Treuhand' (which may be translated as National Trusteeship). It was arranged that I was entitled to dispose of this account, which I administered as a trustee, and that in case of my death, or that in case the trusteeship should be terminated in any other way, Rudolf Hess should be entitled to dispose of the account.

"I disposed of the amounts of this account by writing out checks to Mr. Hess. I do not know what Mr. Hess actually did with the money.

"On 4 April 1933 I closed the account with Delbrueck Schickler & Co. and had the balance transferred to the 'Account Ic' with the Reichsbank which read in my name. Later on I was ordered directly by Hitler, who was authorized by the assembly of 20 February 1933 to dispose of the amounts collected, or through Hess, his deputy, to pay the balance of about 600,000 Marks to Ribbentrop."

We offer next in evidence, if Your Honors please, as Prosecution Exhibit 56, NI 391, which is the file from the Bankers Delbrueck Schickler & Company indicating the correspondence and the accounts with respect to the fund. It appears at page 112 of the document book and I should like to direct Your Honors' attention to page 114. It is the authorization by I. G. Farben to Schickler and says:

"We are informing you herewith that we have authorized the Dresdner Bank in Frankfurt/M., to pay you tomorrow RM 400,000 which you will use in favor of the

Account 'Nationale Trouhand' (National Trusteeship)."

On page 111.....

With respect to the letter I just read, the signature on behalf of I. G. Farben is by Selck, who is a deceased Vorstand member.

On page 112, if Your Honors please, is the transcript of the account of the bank. I particularly direct Your Honors' attention to the entry marked 28 February 1933, stating..... The entry indicates under 28 February 1933:

" Feb. 28 I. G. Farbenindustrie A.G. Frankfurt/M March 1, RM 400,000" and I respectfully call Your Honors' attention to the fact that this is the largest single contribution made by any single individual, as appears from the account, and I would also ask Your Honors to please note the transfers of the monies at the various times Rudolf Hess, particularly the transfer on March 2 of \$300,000 which was three days before the critical election of March 5.

We next offer in evidence, if Your Honors please, as Prosecution Exhibit 57, NI 9784, which appears at page 115 of the English document book. It is a photostatic copy of an exhibit which was before a United States Senate Investigating Committee. The document is a report from a foreign representative of Dupont and Company to his home office in New York and the report refers to conversations which he had with Bosch, the chairman of the I. G. Farben Vorstand in July 1933. We offer that in support of the general allegations and charges in the indictment as to the alliance between industry and Hitler. We

should like, very briefly, to call Your Honors' attention, to page 117 of the document book. The third paragraph. It's under the heading of Mr. Crane, Dupont's representative, having seen Dr. Carl Bosch at Heidelberg, July 10.

THE PRESIDENT; Would not it be possible for you to give us just the substance of that and save reading it since we are going to read it and have it before us? If you can, and conserve time, try and do so.

MR. AMCHAN; I'm trying to. It just occurred to me that short passages-two or three sentences-would be preferable to a longer explanation. I'm trying to discretion, Your Honor.

THE PRESIDENT; Very well.

"There followed a general discussion of the economic situations in Germany and in the United States, and Prof. Bosch confirmed our opinion that times in Germany at present are very difficult, and for industry the last few weeks have been especially difficult. Whereas the Revolution of 1918 consisted of the middle and upper classes against the lower, the present revolution consists of the lower and middle classes against the upper class and industry. Just now it is a question of Fascism and Bolshevism...."

I'm reading page 131 of the German Book.

"Just now it is a question of Fascism and Bolshevism, and industry must support the present government to prevent further chaos. In the beginning, Hitler did not consult industrial leaders, but in recent weeks he has shown his stability by curbing the more extreme element of the Party and bringing

the industrial leaders into consultation with him. Dr. Bosch has been in Berlin in direct contact with the government, and in fact spends practically all of his time between his dwelling in Heidelberg and the government offices in Berlin, thus leaving very little, if any, time for the affairs of the I. G. Farbenindustrie."

We next offer in evidence, if Your Honor please, as Prosecution Exhibit 58, Document PS 2828, which was officially in the record before the IMT, which is an excerpt from an interrogation of Goering of 25 June 1945 and, at page 125 of the English document book, Goering very plainly indicates that "we had the support of all industry in the 1933 elections."

We offer next in evidence, if Your Honor please, as Prosecution Exhibit 59, NI 6766, being an affidavit of Wilhelm Keppler, who was the economic advisor to Hitler. The affidavit is of 9 May 1947, stating that many leading industrialists, including Bosch of I. G. Farben, rushed to call upon Hitler and assured him of their support. The affidavit is on page 127 of the document book and is self-explanatory.

We offer next in evidence, as Prosecution Exhibit 60, NI 628 which appears at page 128 of the English document book. It is a proclamation of a General Economic Council made by Hitler on 15 July 1933, and we direct Your Honors' attention to the fact that among the members of that Economic Council was Carl Bosch of I. G. Farben. The first paragraph on page 128 indicates the purpose for which this Economic Council was created. We believe it would be helpful to

state to Your Honors that this document of the announcement of a General Council is on 15 July 1933. Prosecution Exhibit 57, being the Dupont Report, was on a conference with Bosch five days earlier.

We next offer in evidence, if Your Honors please, as Prosecution Exhibit 61, NI 9285, which is an excerpt from the Frankfurt Zeitung of 16 July 1933 explaining the purpose of this General Council. The purpose for which we offer this document is to indicate that this general public notice was given in Germany of the creation and membership of this Council.

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We offer next in evidence, if Your Honors please, as Prosecution Exhibit 62, NI 1105, which appears at page 131 in the English document book and is an announcement of a meeting of the Council for Economic Propaganda, created by Goebbels, and on page 131 and 133 of that document, Your Honors will note that, as members of this Propaganda Council, appear the names of the defendants Schnitzler, Mann and Gattineau.

We next offer in evidence, if Your Honors please, as Prosecution Exhibit 63, Document PS 1390, which appears on page 136 of the English document book. That is the decree of the 28 February 1933, the day after Farben's contribution, suspending the Constitutional guarantees in Germany. At page 136, I believe it's of interest to point to Article 1 because it is not a statute which negatively suspends Constitutional guarantees; it affirmatively suspends the Constitution. It states: It appears on page 160 of the German book.

"Sections 114, 115, 117, 118, 123, 124, and 153 of the Constitution of the German Reich are suspended until further notice. Thus, restrictions on personal liberty, on the right of free expression of opinion, including freedom of the press, on the right of assembly and the right of association, and violations of the privacy of postal, telegraphic, and telephonic communications, and warrants for house-searches, orders for confiscations as well as restrictions on property, are also permissible beyond the legal limits otherwise prescribed."

The significance of the document, and the purpose for which we offer it, is that the program which these defendants supported was public and well known to them.

We offer next in evidence, if Your Honors please, as Prosecution Exhibit 64, NI 6903, which are excerpts from the Voelkischer Beobachter of March, 1933, setting forth the measures taken by the new government which excluded the Communists and other Parties from the Reichstag.

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Again, public notice of public events.

We offer next in evidence, if Your Honors please, as Prosecution Exhibit 65, being PS 2901, the statute of 1933 giving the new Hitler government legislative power and the power to deviate from the Constitution.

With respect to the next document, which is PS1947, we do not have the original of that document. It came to us from the records of the IMT. We offer it as Prosecution Exhibit 66 for the purpose of showing that the program of the Hitler government was known and public knowledge throughout. The battle against the working class, the battle against the Catholic Church, and the battle against the Jews and, in that connection, we respectfully ask Your Honors to take judicial notice of the findings of the IMT which appear at page 179 of Volume I of the Blue Book which contains the judgment, under the title "Consolidation of Power". One sentence will be enough for present purposes; at page 179 the IMT stated:

"In their determination to remove all sources of opposition, the NSDAP leaders turned their attention to the trade unions, the churches and the Jews."

And the purpose of Document PS 1947, which was our last Exhibit 66, was to show that they succeeded substantially in that program.

Before leaving Document Book #3, if Your Honors please, may we go back to Prosecution Exhibit 35, for identification, which is on page 2 of the index of Document Book 3. That refers to Document PS 3337. When it was offered in evidence, defense counsel invoked the twenty-four hour rule. That time has passed and we now offer that document as Prosecution Exhibit 35 in evidence.

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With that we conclude the proof in connection with paragraphs 10 to 13 of the Document book and Miss Mayer of the prosecution staff will proceed with Document Book #4.

MISS MAYER: May it please the Tribunal, I am Miss Mayer for the prosecution.

The documents which the prosecution is about to offer are set forth in Document Book #4. They relate primarily to Sections 14 and 15 of the indictment which charge, in substance, that, immediately after the institution of the Nazi regime in Germany, German industry reorganized to support Hitler's political objectives and German industry, generally, and I.G. Farben, in particular, made immediately available the funds required by the Nazis to accomplish their purposes. Before offering in evidence our first three documents, the prosecution respectfully requests that the Tribunal take judicial notice of certain findings of the International Military Tribunal which were based on two of these documents. These findings are contained in Volume I of the Official Text of those proceedings at page 183. They read as follows:

"In this reorganization of the economic life of Germany for military purposes the Nazi government found the German armament industry quite willing to cooperate and to play its part in the rearmament program. In April, 1933, Gustav Krupp von Bohlen submitted to Hitler, on behalf of the Reich Association of German Industry, a plan for the reorganization of German industry which he stated was characterized by the desire to coordinate economic measures and political necessity. In the plan itself, Krupp stated that the turn of political events is in line with the wishes which I myself and the Board of Directors have cherished for a long time.

"What Krupp meant by this statement is fully shown by the draft text of a speech which he planned to deliver in the University of Berlin

in January, 1944, although the speech was, in fact, never delivered.

Referring to the years 1919 to 1933, Krupp wrote:

"It is the one great merit of the entire German war economy that it did not remain idle during those bad years, even though its activity could not be brought to light for obvious reasons. Through years of secret work, scientific and basic ground work was laid in order to be ready again to work for the German armed forces at the appointed hour without loss of time or experience.

"Only through the secret activity of German enterprise, together with the experience gained meanwhile through the production of peace time goods, was it possible, after 1933, to fall into step with the new tasks arrived at restoring Germany's military power."

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The Prosecution offers as its Exhibit 67, D-157 which appears at page 60 of the English Document Book and at page 76 of the German. This document was the United States Exhibit 765 in the proceedings before the International Military Tribunal, was read into the record of those proceedings on 23 November 1945 but was not formally introduced in evidence and admitted until 27 February 1946. These facts are certified by the Prosecution Exhibit No. 52 already in evidence. This document is a letter from Gustav Krupp to Hitler of 25 April 1933 in his capacity as Chairman of the Reich Association of German Industry, which was the largest association of German industrialists in Germany. With his letter Krupp transmitted to Hitler the plan of the Reich Association for the re-organization of German industry. The purpose of the re-organization is stated in the letter of transmittal in the second paragraph, page 60 of the English Document Book, page 78 of the German. That paragraph states, in part - I read the first three sentences:

"The standpoint taken by the Reichs Association of German Industry concerning the question of reorganization of trade associations has been characterized, on the one hand, by the simplification and rationalization of all the industrial groups. This was aimed at in the widest circles of the Reichs Association and, last but not least, by myself. On the other hand, it was characterized by the wish to co-ordinate, in the interest of the whole nation, both economic measures and political necessity, adopting the Fuehrer conception of the new German state."

The Prosecution offers as its Exhibit No. 68, NI-5982, at page 65 of the English Document Book and page 82 of the German. This document is a press release of 4 May 1933 issued by the Reich Association of Industry making public its reorganization and new purposes.

The Prosecution offers as its Exhibit No. 69, D-317, appearing at page 68 of the English Document Book and page 84 of the German. This document was the United States Exhibit 770 in the proceedings before

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the International Military Tribunal. It was read into the record of those proceedings on November 23, 1945, but was not formally introduced or admitted into evidence until February 27, 1946. These facts are certified by the Prosecution Exhibit No. 52 which is already in evidence. This document is the speech prepared by Gustav Krupp in January 1944 for delivery at the University of Berlin, in connection with which the International Military Tribunal made the findings previously read into the record.

The Prosecution offers as its Exhibit 70, Document No. NI-9086, which appears at page 72 of the English Document Book and at page 89 of the German. This is an affidavit dated July 25, 1947 by Felix Ehrmann who, as will be shown in affidavits to be offered subsequently, was continuously employed from 1926 on by the so-called Society for the Protection of the Interests of the Chemical Industry. In 1926, Ehrmann became deputy manager of that group, and of its successors, the economic group for the chemical industry. This affidavit is introduced for the purpose of showing the position of I.G. Farben in the overall industrial organization, the Reich Association of Industry, and in its component organization the Society for the Protection of the Interests of the Chemical Industry. It is also introduced for the further purpose of showing Farben's position in the Reich group industry which was the successor to the old Reich Association and in the economic group for the chemical industry which was the successor to the Society for the Protection of the Interests of the Chemical Industry.

The next document is Document No. NI-100, appearing at page 77 of the English Document Book and 98 of the German. The Prosecution offers it as Exhibit 71. This document is a law of 27 February 1934 which appears in the Reichsgesetzblatt, the German official gazette of 1934, in part I, at page 1194. Article 1 of this law empowered the Reich Minister of Economics to reorganize the economic association as sole representative of their particular economic branches and to appoint and recall the

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leaders of the economic association. Article 2 empowers him to issue appropriate decrees for the execution of the law. Pursuant to this authority the Minister of Economics issued an ordinance on the 27th of November 1934. This ordinance, your Honors, has not been included in Document Book No. IV, and excerpts from it are being processed at this time. I wonder if I might read the official citation of the law for the record and have this marked for identification.

THE PRESIDENT: If there is no objection that may be done.

MESS HAYER: The citation is Reichgesetzblatt of 1934, part 1, page 1194. I ask that these German excerpts be marked for identification No. 72. The ordinance just referred to introduced the leadership principle into industry. The Prosecution respectfully requests that the Tribunal take judicial notice of the definition of leadership principle as found by the International Military Tribunal. It is set forth at page 176, of Volume I, of the official text. It reads as follows: This is at the top of the page:

"According to the principle each Fuehrer has the right to govern, administer or decree, subject to no control of any kind and at his complete discretion, subject only to the orders he received from above. This principle applied in the first instance to Hitler himself as the leader of the Party and in a lesser degree to all other party officials. All members of the Party swore an oath of eternal allegiance to the leader."

The Prosecution offers as its Exhibit No. 73 document No. D-151, which appears at page 1 of the English Document Book and at page 1 of the German Document Book. This exhibit was the United States Exhibit No. 831 in the proceedings before the International Military Tribunal. It was also Great Britain's Exhibit No. 256 and was introduced in evidence on February 7, 1946, as is certified by the Prosecution's Exhibit No. 52. This exhibit is a collection of six documents, all of which refer to the establishment of the Adolf Hitler Fund by the Reich Association of Industry. The second document in this collection which is set forth on

page 2 of the English Document Book and page 3 of the German, is a letter of 30 May 1933 from Krupp to Schacht. The first paragraph of this document describes the scope and purpose of the Fund, as follows:

"Pursuant to the short information which I together with Dr. Koeftgen had an opportunity of giving you yesterday, it is intended to launch a drive, embracing the entire German economy including agriculture and banking business, with the aim of placing the collected money, to be called 'Hitler Donation' at the disposal of the Fuehrer of the Nazi Party. It is to replace the collections often made individually by the various organizations of the NSDAP and the 'Steel Helmet'. It was agreed to appoint a board take care of this concentrated collection. At the unanimous request of the principal federation I have accepted the chairmanship of the board, actuated by the wish to devote my entire strength to this drive which is intended to represent a symbol of gratitude to the leader of the nation."

The 'Hitler Donation' represents the union of German employers' organization, and the "Steel Helmet" refers to what is known as "Stahlhelm" which was a Veterans organization established shortly after World War I.

I should like to read a short excerpt from one other document in this collection. It is the document which appears at page 3 of the English Document Book and page 6 of the German. This is a decree issued by Hitler's deputy, Rudolf Hess, in August 1933. It reads -- I am reading toward the beginning of the document:

"The purpose of the donation is: On the one hand to furnish the Central Administration with the means required for the centralized execution of these tasks which are for the benefit of the SA, SS, Staffs, Hitler Youth, the political organizations, etc.

"on the other hand to give the enterprises contributing to the donation the assurance, that their work for the reconstruction of the German economy will not be disturbed by unauthorized and unpredictable collections.

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"I forbid all members, offices and institutions of the Party to collect money from any enterprises and associations of the economy who are participating in the 'Adolf Hitler Donation of the German Economy'."

The Prosecution offers as its exhibit No. 74, document No. HI-3799 which appears at page 3 of the English Document Book and page 12 of the German. This document is a memorandum for the files written by Carl Duisberg on a meeting at the Trade Association of the Chemical Industry or what has been referred to before as the Society for the Protection of the Interests of the Chemical Industry. This meeting discussed the rate of payment to the Adolf Hitler Fund and the method of computation at the bottom of page 3 of the English Book, page 12 of the German. The memorandum states:

"Dr. Achenbach was asked for the reasons which lead to the fixing of the different rates. In this connection it was pointed out to him - and this was also repeated many times in the course of the discussion - that the I.G. was actually immediately prepared to subscribe to the Adolf Hitler Fund within the framework of the first circular letter of the Reich Association of German Industry and that they, on account of their absolutely positive attitude to the whole matter, were naturally prepared to support this collection. It was only through the fixing of the now increased rate at-" this, your Honors, should be 1 per cent; the German says 10, per mille, that is a typographical error, it should be 1 per cent, "which had now ensued that there was a certain surprise in I.G. regarding what could be the basis for such a varied rate fixing and it would certainly be against the spirit and the purpose of this contribution if the free attitude in this matter were to be rendered more difficult by such differentiations."

The meeting then discussed these differentiations and it was decided-- I would like to read toward the bottom of page 4 which is at bottom of page 13 of the German Book:

"It was then considered to maintain a rate of- "this should be 1 per cent, "in respect of those groups of the chemical industry whose wage proportion amounts to less than 15% of the production cost and to fix a rate of-" this should be $\frac{1}{2}$ %, "in respect to all others."

"For I.G., it was stated that they would accordingly also pay a rate of $\frac{1}{2}$ % as their wage proportion exceeds 15%; of course I.G. was always prepared to pay immediately."

I would like to refer to one more paragraph of this document which is on page 5 and appears at page 14 of the German book, as paragraph No. 6. In it Duisberg says that

"The object of the contribution is the support of the SA,"

He adds,

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The SA consists at present of 900,000 members, 500,000 of whom are unemployed. The main purpose of this contribution is to alleviate social distress in these circles. In this sense too we consider the contribution to be perfectly justified and absolutely necessary."

The Prosecution offers as its Exhibit 75, Document No. NI-585, which is set forth at page 7 of the English Document Book and page 15 of the German. This is a circular letter of 13 October 1934 signed by Krupp von Bohlen stating that firms giving money to the Adolf Hitler Fund are exempt from contributions to other organizations which he lead with the exception of the Winter-Help Fund, which is to be maintained as a separate fund.

The Prosecution offers as its Exhibit No. 76, document No. NI-2912 which appears at page 9 of the English Document Book, and at page 17 of the German. This is a letter from Achenbach who represented the German employers' associations and who acted as Liaison between the Hitler Fund and the Nazi Party in which he speaks of money from the Adolf Hitler Fund which he has turned over to Bormann.

The next document No. NI-4056, the Prosecution would like to offer as its Exhibit No. 77. It appears at page 11 of the English Document Book and page 19 of the German. It is a list of payments made to the Adolf Hitler Fund by I.G. Farben from the years 1933 through 1944-45. This list was a list kept by the Central Committee of the Vorstand of I.G. Farben.

I should like to point to the last sentence of the list which says that, "all other firms of the Konzern make their contributions themselves."

These contributions included only payments for the plants listed in the document. The total of contributions amount to approximately 13 million Reichsmarks. Attached to the list are acknowledgments of these contributions by the liaison between the Hitler Fund and the Party and

by the Society for the Protection of the Interests of the Chemical Industry.

The Prosecution would like to call attention to the fact that these acknowledgements cover only the years 1933 through 1941, also in two instances there are slight discrepancies between the amount stated in the list of the Central Committee and the amount stated in the acknowledgements or receipts. However, the document as set forth here is exactly as it was found in the Farben files.

The Prosecution offers as its Exhibit 78, Document No. NI-4863, which is set forth at page 20 of the English Document Book and page 27 of the German. This is an extract from a minute of the working committee of the I.G. Farben Vorstand which approves one of the contributions for the Adolf Hitler Fund. Attending this meeting were the defendants Schmitz, Bueteifisch, Gajewski, Hoerlein, Krauch, Kuehne, Mann, Ter Meer.

The Prosecution offers as its Exhibit 79 Document No. NI-4865 which appears at page 22 of the English Book and page 29 of the German. This is another extract of a minute of the working committee of the Farben Vorstand held on the 24th of June 1937, --I beg your pardon-- this is not an extract, I think this is the full minute, and at the bottom of page 23, the Prosecution would call attention to the fact that another one of the contributions previously listed in the Prosecution's Exhibit 77 was approved. Present at this meeting were the defendants Schmitz, Brueggemann, Bueteifisch, Gajewski, Ilgner, Hoerlein, von Knieriem, Kuehne, Mann, Ter Meer, Oster, von Schnitzler.

The next document is No. NI-9200 which appears at page 26 of the English Book, page 31 of the German Document Book which the Prosecution offers as its Exhibit No. 80. This is an affidavit prepared by the Chief of the Office of I.G. Farben's central committee, summarizing I.G. Farben's contribution to the Nazi Party. The affidavit shows that between the years 1933 to 1945 I.G. Farben contributed over 40 million Reichsmarks to the Nazi Party and to various Party organizations.

The Prosecution would like to call attention to the fact that there are a few that in the list of contributions to the Hitler Fund which are set forth on page 29 of this exhibit, there are a few discrepancies between the figures stated here and the figures in the listing of the central Committee, which was the prosecution's Exhibit No. 77.

However, it is believed that these slight discrepancies were occasioned by the fact that the Central Committee used as its base the fiscal year whereas Baessler used the calendar year.

Detailed as this affidavit is on the subject of financial contributions, the prosecution would like to point out that this listing is by no means exhausted while on this subject of Farben's support of the Party Government and organization. For example, in this document only a few contributions abroad are listed. For the most part this affidavit covers the contributions made to organizations within Germany and, as a subsequent point in our proof, the prosecution will show I.G. Farben's support of the Party abroad.

As its Exhibit No. 81, the prosecution offers Document No. NI-4422 which is set forth at page 58 of the English Document Book, page 76 of the German, and which is a certificate given to Dynamit-Nobel, a subsidiary of I.G. Farben, showing its participation in the Hitler Fund and its contribution to it.

The prosecution offers as its Exhibit No. 82 NI 6960 appearing on page 79 of the English document book, page 104 of the German. This is an announcement by the management of Farben's Leverkusen Plant signed by the defendant Kuchne requesting all of the personnel to join the May Day Rally of the Nazi Party to prove their will to cooperate.

The prosecution's Exhibit No. 83 is Document NO. NI-1091 which appears on page 80 of the English book and page 105 of the German. This is a letter from I.G. Farben in Frankfurt, I believe, to Dr. Wahl of

their Leverkusen Plant which states:

"We also would welcome to have a suitable representation of the National Socialist aims within the N.S. Factory Cell Organization of our plant in the near future."

The next six documents which the prosecution offers in evidence are short extracts from minutes of the various committees of I.G. Farben and various of its plant committees. It is believed that these excerpts are self-explanatory so that the prosecution would merely like to offer them in evidence.

The prosecution offers as its exhibit No. 84 Document No. NI-4684 appearing on page 81 of the English book and page 106 of the German. This is a minute of a meeting of the Social Welfare Committee on Ludwigshafen on June 21, 1933.

The prosecution offers as its Exhibit No. 85 Document No. NI-5868 which appears on page 82 of the English Document Book and page 108 of the German Document Book. This is a minute of a meeting of the Hoechst management held on September 18, 1933.

The Prosecution offers as it's Exhibit No. 86 Document No. NI-5869 which appears at page 83 of the English Document Book and page 115 of the German Document Book. This is a minute of a meeting of the Technical Management at Hoechst which was held on 30 October 1933.

I might say here that sometimes these documents--in this particular case, the document refers to a Vorstand Meeting at Hoechst. This does not mean the Managing Board of Directors of the I.G. Farben. It means in this case the Technical management of the plant.

The prosecution offers as its exhibit No. 87 Document No. NI-5872 which appears on page 84 of the English and page 1176 of the German Document book.

This is a minute of the Technical Management at Hoechst dated November 27, 1933.

The Prosecution offers as its exhibit No. 88 Document No. NI-5873 which appears on page 85 of the English Document Book and page 117 of the German Book. This is another minute of the Hoechst Management of 5 March 1934 with the defendants Lautenschlaeger and Yachne present.

The prosecution offers as its exhibit No. 89 Document NO. NI-4840 which appears at page 86 of the English document book and at page 118 of the German document book. This was an extract from a report on a meeting of the Technical Commission at which it was decided that one of the training courses sponsored by the Nazi Party should be participated in by employees of I.G. Farben. This report was circulated to the defendants Kuchne, ter Meer, Krauch, Hocklein, Gajewski and Jachne.

I believe this concludes the documents in Document Book No. IV. Mr. Anchan will continue for the prosecution.

MR. ANCHAN: I believe, your Honors, since Book V is rather substantial this might be an appropriate time for a recess.

THE PRESIDENT: The Tribunal will rise for its recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

MR. AMCHAN: If Your Honors please, in Book III, with respect to Prosecution Exhibit 66 in evidence, being PS-1947, I ask Your Honors to turn to the table of contents on page 3. Defense counsel has directed out attention to an error in the description as appears from the table of contents. It should not be Baroness von Schnitzler. The document itself indicates it is Baroness von Schutzbauer--an entirely different person. I have already indicated the purpose for which we have offered that document. But the document itself is correct. The description in the index merely is incorrect.

Mr. Sprecher calls my attention to the further fact that in the table of contents on the same document it is not von Fritsche, the propagandist, but the author of that letter is von Fritsch, without the "e", who was a German in the Chief of Staff of the German Army.

Document Book No. V, if Your Honors please, contains the proof relating to paragraphs 16, 17 and 18 of the indictment. The charges there made very briefly set forth that after the alliance started with Hitler, Farben embarked on a tremendous war production program, specifically a program of synthetic gasoline production, synthetic rubber, explosives, light metals, and related fields. We propose, if Your Honors please, to deal with the production proof in this case at some length when we come to consider Count 14D of the indictment.

The evidence we propose to offer now in connection with paragraphs 16 to 18 of the indictment merely will indicate the high-lights of the respective fields of production, the emphasis being on the critical nature of the particular commodity and the time when these discussions and production plans were started. Most of the records which we shall offer in evidence will be reports of official German government agencies and of captured documents.

We offer first, as Prosecution Exhibit No. 90, NI-7123, which is

the minutes of a meeting of September 15, 1933, between representatives of Army ordnance and the Air Ministry. It is marked "top secret." The recorder of the minutes is Lt General von Bockelberg, the Chief of Army Ordnance Department. It appears in the English document book on page 1.

The significant point to which we respectfully direct Your Honors' attention is as follows: "State Secretary Milch of the Air Ministry is discussing with Ordnance the program for the first stage of re-arming the Luftwaffe." They are specifically discussing manufacturing preparations, and agree, according to the minutes, on enlarging the I. G. Bitterfeld plant to produce new electron metals. The minutes state that Bitterfeld is also to produce thermite for incendiary bombs.

This is September 15, 1933. They agree to look into the question as to whether other German raw materials other than electron metal could be used for incendiary bombs. They also agree on the necessity for stock-piling of Toluol and tri-nitro-Toluol to be used as explosives in "E" bombs.

At page two of the document book we ask Your Honors to please note, beginning with subject number 3, "Securing of Fuel Oil." It is on page 4 of the German document book. "State Secretary Milch --" that is the Air Ministry -- "handed to Lt. General von Bockelberg" -- the ordnance Chief -- "a memorandum of the I.G. (Dr. Krauch) concerning the expansion of the home raw materials basis, and suggested a joint energetic approach to the competent agencies in the matter. It would be necessary to appoint a commissar for carrying out the necessary steps."

The program for fuel oil is being discussed based on I.G. Farben's memorandum.

We offer next in evidence, as Prosecution Exhibit 91, HI-7828, appearing on page 5 of the English document book, which are minutes of a conference at the Reich Ministry of Economics on 6 November 1933.

where representatives of the War Ministry Air Ministry of the Ministry for Economy are present. We call particular attention to the bottom of the page 5 of the document book, which states "State Secretary Milch" that is on page 3 of the German book--"State Secretary Milch supports the Detailed explanations of the Chief W-A--"which I understand is ordnance--"specially stressing the point that when decisions are made, war economic aspects must take priority until such time as some sort of adequate basis can be found in middle Germany for dealing with the question of the supplies necessary in the event of a war."

Immediately following, at the top of page 6, appears this notation in the minutes: "In conclusion, it is agreed that the detailed preliminary estimates for securing supplies by stock-piling of raw materials and the enlargement of raw material plants and depots which at present are worked out by the Army Ordnance Office, should be submitted to the Reich Ministry for Economy in the near future and should serve as bases for further measures."

Your Honors will please note, on page 7 of the document--still the minutes of this meeting, under "c" where they are discussing details--it is on page ten of the German document book:

"Setting up of new plants in central Germany. (Hydrogenation plant on the basis of mineral oil."

A little further down, if Your Honors will note, under No. 2, "Preparations for the 'A-Fall.'" The record already indicates that 'A-Fall' was the code name for the event of war.

Further down, under "D", "Nitric acid: Construction of a concentration plant has been started...." We shall later show that it is the I. G. Farben plant that started that. "Toluol" which is an explosive; "Establishment of supply depots, increase of production by setting up near gas plants."

The next three documents, if Your Honors please, show the beginning

of the agreement for the production of synthetic gasoline. First, as Prosecution Exhibit 92, we offer in evidence NI-881, which is the agreement between I.G. Farben; its subsidiary, Ammoniakwerk, and the Reich Government dated 14 December, 1933. We ask Your Honors to particularly note that on behalf of the subsidiary Ammoniakwerk, this contract was executed by Bosch and the defendant Schmitz.

At page 10 and 11 of the document book there appears a supplemental agreement in connection with this basic contract, and we call Your Honors' attention to the fact that these agreements were signed by the defendants Schmitz and von Knieriem.

The basic contract appears on page 11 of the document book, which is page 15 of the German book. Paragraph 1--or rather Article 1 is of especial interest. "Ammoniakwerk pledges itself to enlarge the installations for the production of synthetic benzine--" Incidentally, they mean gasoline. The English translators always refer to it as benzine/ "...for the production of synthetic gasoline at Louna to such an extent that within the period of 1 July 1934 to 31 December 1934 a production of 80,000 tons will be reached, and by 31 December 1937 at the latest a production of 300,000 tons is a minimum and of 350,000 tons as a maximum, as applied for the year."

Article 2, we believe, is significant. "For gasoline produced after 1 July 1934 in quantities according to Article 1, the Reich guarantees to Ammoniakwerk for the duration of 10 years, that is, until 30 June 1944 a price in marks which corresponds to the costs of production."

Article III we also feel has special significance. "The Reich pledges itself to take measures for the sale of the quantities of gasoline manufactured according to Paragraph 1 during this period."

We offer next, as Prosecution Exhibit 93, Document NI-319, which is a copy of a letter from I. G. Farben signed by Bosch and the defendant Schmitz relating to this contract in which I.G. Farben guarantees the

performance of its subsidiaries.

We offer next in evidence, as Prosecution Exhibit 94, MI-320, which appears on page 16 of the English document book. It is a note from the Secretary of Hitler's Chancellory.

THE PRESIDENT: Can you give the German reference?

MR. AMCHAN: Page 41. It is a note from the Secretary of Hitler's Chancellory to the effect that the contrast was personally shown to Hitler for approval.

The next series of documents, if Your Honors please; the next three documents, specifically, relate to synthetic rubber, and indicate very briefly the early participation of I.G. Farben and the extent in the synthetic rubber program.

We offer as Prosecution Exhibit 95, NI-8326, which is an affidavit of Struss. Dr. Struss, the record indicates, was a secretary to the TEA, the technical committee and its administrative head. This affidavit contains a summary of the conferences which I.G. Farben officials held with the military agencies of the German government from 1933 to 1938. We believe it will be helpful to call attention to certain significant parts.

On page 21 of the English document book, reference to a conference of 22 February, 1945. It appears on page 46 of the German document book. It states: Army requests direction on the rubber question. Total peace requirements of the Army about 150-250 tons per month."

On the very next page, 22, a conference of 23 October, 1935--that figure is corrected--and I quote: "General discussion about disposal of future Buna production requirements of armed forces not 150-250 tons per month, as previously stated, but about 50 tons per month."

In 1935, then, peacetime requirements are stated to be 50 tons per month.

Further down, on the same page, 22, 4 February, 1936, reference to a letter from the defendant Ter Meer to Hitler's Plenipotentiary for Economic Problems, Keppler. They discuss "Draft for a contract between the Reich Economic Ministry and I.G. concerning the construction of a plant--" that is, a

"rubber plant--"with a capacity of 200 ton of synthetic rubber per month." And then the next item indicates they are discussing the Schkopau plant. On the next page, under the item 5 June 1936, we call Your Honors attention to the notation "Utmost speeding up of the further development and avoidance of useless investigations."

17 June, 1936, "Conference report between Dr. Struss and the Staff for Raw Materials and Foreign Exchange, under the chairmanship of Dr. Krach, together with officials of Reich War Ministry." The conference is about a possible extension of the Buna Factory Schkopau which is under consideration from a capacity of 200--that 800 is an error--from a capacity of 200 to 1,000 tons a month.

In 1936, the next item: June and July. 16 to 29 June, 1 to 10 July. "Correspondence between the Staff for Raw Materials and Foreign Exchange, Lt. General Loeb and I.G. concerning the extension of the Buna Factory Schkopau to a capacity of a thousand tons a month and the possible construction of a second plant for a thousand tons a month."

Further down, on page 23, 29 September 1936, "correspondence between the Fuehrer, for Plenipotentiary Economic Problems, Keppler, and Dr. Ter Meer," the defendant Ter Meer, re.: "the extension of the Schkopau Buna plant to two thousand tons per month, and the problems connected with this."

Further down, 5 November, 1936, "letter: Office for German Raw & Synthetic Material (Lt. Col. Loeb) to I.G., concerning the dispatch of draft contracts for Schkopau Buna production of 2,000 tons per month."

Page 25 of the document book, the item under 5 January, 1937; page 50 of the German document book, again a letter to the defendant Ter Meer from the Office for German Raw & :

Synthetic Materials. "Increase of Buna output to 3,000 tons per month by January, 1938--" That is an error--48--it should be January, 1938.

The document NI-8326 in this brief fashion indicates we think the speed and extent to which I.G. Farben, as early as 1936 and 1937 embarked upon the program of synthetic production, and we ask Your Honors to consider that in reference to the stated fact in the record, that in 1935 they knew that the peace-time requirements of a German military is 50 tons per month.

We next offer in evidence, if Your Honors please, as Prosecution Exhibit 96, NI-8327 which appears on page 27 of the English document book and at page 53 of the German document book. It is a speech by Dr. Struss delivered 13 May, 1938.

The affidavit preceeding the text of the speech identifies Dr. Struss. That is on page 27 of the English book. And since it is a rather lengthy speech I have indicated appropriate excerpts which are rather short and which we believe fairly indicates the tenor of that address.

First, on page 29 of the English document book, which is 54 of the German book, the German Four Year Plan was proclaimed by the Fuehrer on September, 1936, on the Party Day at Nurnberg: "Within four years German must be entirely independent from foreign countries with regard to those products which possibly can be manufactured in some way or other by German ability, by our own chemistry and mechanical industry, and by our own mining industry."

"Mentioning chemistry first shows already that this section will take a very important part in the plan, and in the technical field it is again the I.G. Farben industry which is highly participating in the Four Year Plan by its extensive

"scientific experiments and technical progresses."

We refer next, if Your Honors please, to page 33 of the English document book, the middle of the page. "The second important item amongst--"

THE PRESIDENT: Just a moment. If you can give the German reference it will expedite the translation.

MR. AMCHAN: I shall try to read slowly, if Your Honors please.

THE PRESIDENT: Just observe generally that, insofar as you can, if you can have the German references noted--it may take a moment to do that, but it will save more time when we come to the matter of translation because we will have to stop you very frequently--and it is an interruption to you and to all of us.

MR. AMCHAN: We will bear that in mind.

"The second important item amongst the metals represents the copper. From this material in Germany only small quantities are available and a substitute cannot be created by the chemistry. However, the possibility exists to replace same in a great extent by the lightmetals aluminium and magnesium. Magnesium, the lightest metal largely used today in the alloyings for the construction of aeroplanes and motorcars, can be produced in unlimited quantities out of pure German materials."

The next page 34 of the English Document Book:

"The German Aluminium production is at present the biggest in the world, since national socialism came to power it increased from 20 000 metric tons per annum to about 120 000 metric tons and is at present further on the increase.

As far as ores and metals are concerned chemistry has made still further progress owing to want of time I cannot however go into details. I would only mention that in our works at Wolfen". --MR. AMCHAN: That's a Farben plant at Wolfen---"a large plant is being completed, in which sulphuric acid is produced from German gypsum, whereas formerly the requisite ores, sulphurous pyrites, had to be imported from abroad."

MR. AMCHAN: On page 41 under the title of "Gasoline" it appears at page 58 of the German document book -- this is a very significant passage:

"I will now come to a field in which we shall become independent of foreign countries in a few years. I am speaking of fuels and lubricants, our import demands of which still amounted to RM 300 millions in the last year. Not only this amount demonstrates the importance of this field, it is emphasized by the political significance of the petroleum. A little example of the recent past may explain this. Italy won the Abyssinian war by modern weapons and by building special highways. In modern wars the consumption of gasoline for motorised troops, tanks, aeroplanes, is immense. As the troops advanced into the

country the military roads became immensely long, as was the case in Abyssinia -- all reinforcements, provisions for the fighting troops etc. had to be transported by car -- and the consumption of gasoline increased still further, in addition an extensive motor park had to be kept in order to supply the motorised units of the fighting forces the air-bases built in Inner-Abyssinia. Although provisions had been made beforehand, it was impossible to store these enormous amounts of gasoline needed in the Italian territories on the coast before the war, they had to be filled up continually the same as men, weapons and ammunition. As Italy has no petroleum of her own she was relying on the continual import from abroad.

Nearly all the petroleum in the world is controlled by USA and the countries that are members of the league of Nations, if therefore gasoline has also been included in the sanctions, as proposed by England and France, the war would have come to an end very soon. Italy could win the Abyssinian war and build her empire only because England and France count not carry into effect their intentions.

This example, says Dr. Struss, will make it clear to you, that it is quite out of question, that Germany will run the risk of a similar situation and for this reason also the German demand of fuel has to be covered by Germany herself before long. The processes necessary have been developed to such an extent -- especially by the I.G. - that the realisation of this gigantic task is possible."

MR. ARCHER: Our next reference, if your Honor please, is to document No. NI-6194 which we offer in evidence as Prosecution Exhibit 97. This is a report of the High Command of the Armed Forces and is a report from the Government giving their story of the synthetic gasoline program and its importance, rather synthetic rubber program, and its importance to the German War Economy. Page 57 of the document which appears at page 65 of the German Document Book. This is the official German military agency:"

"Rubber is one of the most important raw materials of the entire military and war economy. This applies, due to the motorization and mechanization of the Armed Forces to a particularly large extent, to all three branches of the Armed Forces: The Army, the Navy, and the Air Force. It is therefore understandable that the Economic Armament Department of the High Command of the Armed Forces responsible for the war economy of the Armed Forces since its first beginnings as an economic department of the Army Ordnance Office gave this raw material its particular attention long before rearmament started."

MR. AMCHIN: On page 62 which is page 68 of the German Document Book on difficulties in introducing Buna:

The Armed Forces endeavored already at an early stage to give full support to Buna. At the suggestion which the Economic Department made to the Army Ordnance Office (Vi Ru Amt), a meeting took place on 28 July 1933 at the Armament Testing Office with the I. G. Farben as producer and owner of the patents. The I. G. representatives explained the basic principles for the production of Buna and stated that they alone were not in a position to get German industry to carry out detailed research on Buna. There were two difficulties in the way of such experiments:

- 1) The processing of Buna means the total transformation of the works, and this in turn means that if the synthetic product is to be properly worked, the industry is confronted with entirely new tasks.
- 2) Since tires made out of Buna have a longer life, the introduction of such tires would result in decreased sales.

The Army Ordnance not only promised its own full support but also declared itself prepared to get other users such as the Post Office and State Railways, to order articles made of Buna from the industry and to make experiments".

At the bottom of page 64 we ask your Honor, to note that in passing that under "Gas Mask Materials" experiments held in the firm of Phoenix were not successful as they were not carried out in conjunction with I. G. Farben and new experiments will start shortly. On page 68 and page 71 of the German book:

In spite of the fact that the Military Economic Staff constantly pressed for production to be carried out on a scale and

at a speed which would meet the urgent requirements, it was unfortunately not possible to do this. Already on 30 March 1935 the Reich Minister for War in a letter to the Plenipotentiary for Economic Affairs, Herr Keppler, stressed the necessity of erecting a larger plant for the production of Buna. On 21 September 1935 Chief General Thomas

.....MR AMCHIN: He was the head of the Economic Staff of the High Command

declared in a discussion with I. G. Farben that the Reich Minister for War would immediately contact Herr Keppler in order to give the guarantee regarding quantities and prices required by I. G. Farben. On 7 October 1936 the Chief of the Military Economic Staff, General Thomas informed Herr Keppler that in view of the new rubber program, which came within the Four Year Plan, he had no objection to the capacity of the three great plants to be erected being increased to 2,000 tons per month. Accordingly, a change took place in Autumn 1936 with the announcement of the Plan for the first quarter, in which synthetic rubber formed one of the most important points".

On the next page under "Transition to War Economy" this report states: "the strict organization introduced before the war and the general tendency also at the outbreak of the war to maintain the former system of control proved its worth".

From page 70 of this report under the title "War Economy", page 73 of the German book in the middle of the page:

"For, as already mentioned, not only is rubber one of the essential raw materials of industry, but its importance lies also in the fact that the chief branches of the Armed Forces and their ability to use their weapons is dependent on adequate supplies of rubber. Thus--"this is the war report office--"thus a shortage of rubber can actually decide the outcome of the war".

I shall not read the conclusion, if your Honor, please. It reiterates the significant portions of this report which I have just read. The three exhibits just introduced relate, as I have indicated, to the beginning of Farben's participation and its early conferences with the military in connection with the synthetic rubber production. The next document refers to its participation very briefly in connection with magnesium. We offer next in evidence as Prosecution Exhibit 98 NI-8317 being an affidavit of Dr. Struëß concerning I. G. Farben's construction of a secret magnesium plant at Aachen for the Luftwaffe in 1933. The date, we think, is rather significant. I should like to call your attention briefly to some pertinent provisions of that document. On page 74, second paragraph, which is page 76 of the German Document Book:

"I. G. was the first industrial undertaking to develop the industrial production of magnesium. In 1927 I.G. started its actual production of magnesium in its Bitterfeld plant. The yearly capacity of this plant was 1,500 tons in the beginning and from 1935 onward 4,000 tons.

In 1933 I.G. received from the Luftwaffe the order to build magnesium plant with the capacity of 12,000 tons a year. The Luftwaffe selected the site in Aken. The plant was partly complete in 1934 when production started. The plant and its production was to be kept secret by order of the Luftwaffe.

The negotiations for the construction of the plant by I.G. were carried on between the Luftwaffe and Dr. Pister

.....MR. AMCHIN: Pister is a deceased Vorstand member..... of Bitterfeld. Subsequently Dr. Pister received from Schmitz, that's the defendant Schmitz, a kind of blank approval to carry on with the negotiations. This procedure was not unusual at that time. The financial arrangement with the Luftwaffe had already

been made before the project was submitted to the TEA"

MR. AMCHAN: On the next page 75:

"The total investment for magnesium and aluminum in Aken amounted to about 46,000,000 marks; and for magnesium alone it amounted to about 40,000,000 marks. I.G. furthermore obtained a special concession from the Ministry of Finance authorizing I.G. to provide for an annual 20% depreciation on machinery in the plant. The normal depreciation was 10% and so I.G. obtained a considerable advantage."

Before the plant was actually built, the Luftwaffe carried out a number of tests from the air in order to ascertain how the plant itself, could best be camouflaged. In accordance with the result of these tests in which Bitterfeld's chief engineer, von der Bay, a name you will hear about later, participated. The plans for the plant were repeatedly changed until the Luftwaffe was satisfied that the plant was well hid from the air. Dr. Pister subsequently stated in the TEA

MR. AMCHAN: The Technical Committee, and when we discuss the corporate organization, your Honors will see the significance of the TEA.

that considerable additional costs had to be incurred by I.G. on account of the camouflage requirements.

The production of the magnesium plant Aken was also kept secret. A large part of the production and to my mind considerably over 50% consisted of tubes with a diameter of approximately 80 cm., a wall thickness of approximately 1 cm. and a length of approximately 20 cm. These tubes were packed into boxes with the inscription "Textilhuelsen", a code name which means "Textile tubes". In reality these tubes were containers for incendiary bombs.

The next series of documents which we are about to offer

pertain to the establishment of the Vermittlungsstelle W., a military liaison office of I.G. Farben. In the indictment it is charged that I.G. Farben internally adjusted its administrative organization so as to synchronize its program with the program of the German military. What we shall mention here is just briefly the beginnings of the Vermittlungsstelle W. Mr. Sprecher in discussing Count 1-B will offer substantial documents on just exactly how important the Vermittlungsstelle W was and just exactly what it did. We offer first in evidence, if your Honor please, as Prosecution Exhibit 99 NI-2747, and I shall ask your Honor to also consider in evidence at this time NI-9261 which is the sheet that I handed your Honors before. NI-9261 is merely an affidavit of Eichwede which confirms that he is the author of the report NI-2747. This document NI-9261 has previously been furnished to the defense counsel in connection with Book 6 and Book 6 was served on defense counsel about a week ago.

DR. HOFFMANN: Counsel Hoffmann for the defendant von der Heyde. Mr. President, Document 2747 which originates from Eichwede is to be submitted now. The documents so far constitute affidavits of the affiant. I can in this instance not find such a certificate with German text. I only find the remark on the document "compiled on behalf of the Director Dr. Struss by Dr. Heinz Eichwede. That's all that I can find on this document. I have been informed that Ordinance No. 7 admits reports of the Allies and other government agencies, but here we are concerned with a compilation which is signed only by the name of some civilian and to which admissibility in this case, I object for that reason.

THE PRESIDENT: What has counsel for the prosecution to say on that?

MR. AMCHEN: I think counsel for the defense has not under-

stood what Document 9261 is. 9261 is an affidavit by the author of 2747. Now, 2747 is a captured document gotten from the files of I. G. Farben. What we were interested in proving and the purpose of offering 9261 is to lay the foundation that it is a document prepared by I. G. Farben in the regular course of its business and if you will note from 9261 the affiant specifically states: "Document NI-2747 presented to me is a photo copy of an extract from the notes concerning the structure and technical organization of the I. G., which I made in the years 1942 to 1944, on the instructions of Dr. Struss, TEA, as co-worker of the I.G."

Now, we respectfully suggest, if your Honor please, that that is a sufficient foundation for warranting the admissibility of NI-2747.

THE PRESIDENT: Is the prosecution in position to submit to counsel for the defendant the original of Document NI-9261 for examination?

MR. MCHLIN: Yes, we have that and they had that a week ago. They had that in their Document Book 6. There's no surprise. NI-9261 was served on the defense a week ago when Document Book 6 was served. We are just taking that out of order and putting it in here at this point but the original, of course, is available to them, and if counsel is interested in seeing the original of that affidavit we, of course, will be glad to furnish it to them.

DR. HOFFMANN: May I look at it briefly and then give you my point of view later? I only considered the document as such and I didn't quite understand this explanation given by the prosecutor.

THE PRESIDENT: Can the prosecution pass that matter until counsel has had an opportunity to look at the original?

MR. MCHLIN: We will be glad to. I would like to mark it

100 for identification. With respect to our Exhibit 99 in evidence, NI-2747, the first page of the document which is on page 77 of the Document Book, a short quotation will indicate the tenor of the document:

"Since 1934 conferences and discussions with various military officers and authorities in Berlin became more and more numerous and urgent. During the conference of the central committee at Ludwigshafen on 2 September 1935, it was decided to create beginning 1 October 1935, a liaison office Wehrmacht in Berlin which had to take over and to sustain the connection between the three main divisions of the I. G. and the military authorities. Dr. Krauch indicates in his letter to Dr. ter Meer of 5 September 1935 that main division I was taken care of by Dr. Ribber and shortly thereafter also by Dr. Eckell."

That document, as we have indicated, is I.G. Farben's own report, relating to the founding, organization and purpose of the Vermittlungsstelle-W.

We offer now in evidence, if Your Honors please, as Prosecution Exhibit 101, NI 4702, being a letter of Krauch of 5 September 1935, relating to the organization of Vermittlungsstelle-W. It appears at page 80 of the document book.

DR. HOFFMAN: Mr. President, after I have seen and found Eichwede's affidavit in Document Book 6, I withdraw my objection.

THE PRESIDENT: Very well. The Document NI 9261, which has been identified as Exhibit 100, will now be admitted in evidence.

MR. ANCHAM: With respect to Document 4702, which is Prosecution Exhibit 101, appearing at page 80 of the German Document Book. It's a significant document and we'd like to read some pertinent parts. It is dated 5 September 1935. Your Honors will note as addressees of that notice the defendant Schneider and the defendant Oster.

"Re: War Economy Central Office of the I.G. for all matters of military economy and questions of military policy.

"The Central Committee....." Now, that's the Central Committee of the Vorstand. "The Central Committee has determined to create an Agency (W) in our place of business in Berlin NW7, Unter den Linden 78, in order to provide systematic cooperation within the I.G. in the current development of military economy, and particularly to assure central treatment of the questions of military economy, military policy and military technique.

"From now on all correspondence - even about matters still in the balance - with the Reich Ministry of War and its offices, such as the Army Ordnance Office, etc., the Navy Office and its offices, such as the General Naval Office, etc., the Reich Air Ministry and its offices, such as the Air-Command, the Experimental Station for Aviation, as well as the air raid protection, etc....." And then they further enumerate.....

"....is to be addressed exclusively to the Vermittlungsstelle W (liaison agency), and a copy of the correspondence is to be included at all times."

Further down on the page: That's Vermittlungsstelle-W ".....is ready to give any information about and make arrangements in military economic and military policy questions, which are part of its sphere of work and include the following:

Investigations about production,

Plans for production,

Economic mobilization plans,

Plans for the supply of raw material,

Plans for storage,

Questions of transport,

Assuring the supply and/or movement of labor,

Air raid protection-, counter espionage-, sabotage prevention,

Patent Questions."

Signed "Krauch" and another person.

That's 5 September 1935.

Your Honors will recall that we charged in the indictment that, during this early period, there were war games and war preparations, and so we offer as Prosecution Exhibit 102, FI 8321, being an affidavit by Struss on war games and mobilization preparations. It appears on page 82 of the English document book, and, at the bottom of that page, Dr. Struss states:

"At first the Vermittlungsstelle W occupied itself entirely with war problems. It coordinated the work of the I.G. plants with the general mobilization plan and had detailed plans worked out for each plant for war production and mobilization. These mobilization plans were to come into effect with the outbreak of war. They were first drafted in the year 1935 and from then on they were set up from year to year."

Further down on the page, the document states:

"Since January 1936 a special department for counter-intelligence

service, defense against spying, sabotage and betrayal of working secrets was incorporated into the Vermittlungsstelle W. Finally the Vermittlungsstelle W arranged for and supervised the planned exercises which were held in order to visualize the effect of bombing on I.G. plants and to afford training to the German Air Force."

January, 1936.

"These planned exercises were inaugurated by Dr. Ritter either on his own initiative or at the direct instruction of Krauch. They were set up the following way: On a map of a particular plant, an umpire marked the points, where bombs of a certain weight were supposed to have been dropped by the attacking air force. The Works Management which operated in an air raid shelter ascertained the imaginary damage done by the bombs and figured out for what length of time parts of the plant had been put out of operation. The management itself also ascertained within which period of time the damage could be repaired.

"At the conclusion of each 'Plan-Spiel' it was discussed between the I.G. representatives and the military which measure should be taken by I.G. to afford additional protection from the air to the particular plant. It was as a result of one of these discussions that the gasoline production of the I.G. plant Leuna was split up in 5 or 6 different units which could work independently of each other in case one of them was hit by a bomb. As far as I remember, I.G. Farben spent an amount of several million marks in order to effect the necessary changes.

"Such 'Plan-Spiele' were held in Leuna, Ludwigshafen-Opau and in Leverkusen."

That is enumerating their principal plants.

"They were always held in the presence of a number of high-ranking officers of the Luftwaffe, artillery and infantry and representatives of various authorities."

We offer next in evidence, if Your Honors please, still on the point

of the extent to which they were preparing war exercises, as Prosecution Exhibit 103, NI 4619, which is a report by Kuehne, that is the defendant Kuehne, of December, 1936, on military economic tactical planning exercises, to take place in January, 1937 at Leverkusen. We cannot do justice to that report by reading any particular excerpt. That report must be read in its entirety to appreciate the thoroughness with which such preparations were being made.

The next document, if Your Honors please, NI 5929, we offer as Prosecution Exhibit 104, and this relates to poison gas. It is correspondence between the Reich Air Ministry and I.G. Farben in October, 1933. The correspondence indicates an inquiry from I.G. Farben as to a particular poison gas that was mentioned in the French press. I.G. Farben chooses not to reply in writing, but indicates that it prefers to orally discuss the subject with the Reich Air Ministry.

We offer next in evidence, if Your Honors please, as Prosecution Exhibit 105, NI 4953 which is an affidavit by Ehrmann - he was a government official - of 16 March 1947, on the early cooperation of I.G. Farben in the mobilization work. Very briefly, I would like to refer to one or two paragraphs. At page 105 of the English document book, which is the first page of the document, which is page 115 of the German document book, the second paragraph:

"Questions of war economy were already taken up by the Nazis shortly after their having assumed power. Any plant that was suitable for war production was systematically registered, that is, it was decided upon as to what had to be produced in the case of mobilization, which quantities were to be manufactured and what prerequisites had to be accomplished to carry out the production."

Further down, skipping a paragraph:

"Though there was no obligation to give information, nevertheless, the I.G. quite readily supplied information concerning its production capacity, actual production and production plans and devised precise

Mobilization Plans for each plant."

And the next page, 106, at the top of the page:

"....the firms supplied the required informations and thus the so-called Mobilization Plan was established which was divided according to products - and within the various production sectors divided again as to firms. This Mobilization Plan...."

It's on page 115, two paragraphs from the bottom.

"This Mobilization Plan led to the drawing up of the so-called Mobilization Tasks, that is, to the preparation of an order which in case of mobilization was to be communicated to the individual firms through an agency that had not yet been appointed. Later on it was decided that this agency was to be the Reich Office for Chemistry.

"At these conferences the I.G. Farben was represented by all their section heads, especially Dr. Wurster of Ludwigshafen and Buerger...." That's the defendant Buerger. "...of Bitterfeld-Wolfen, furthermore Ambros, and later on Ter Meer; from the commercial section W. Ber-Andreas, Baefliger, Schaefer and von Heider.

"Though outwardly the Mobilization Plans etc. were accepted by the I.G. without objections, practically they did what they liked and neglected everything that had been planned. There was no authority which was in a position or could risk it to call the I.G. to order."

Three paragraphs down:

"The first negotiations of this kind took place already in 1933; they were taken up on a larger scale about 1935, whereby the years until 1939 have to be called the years of preparatory work."

This might be an appropriate place.

THE PRESIDENT: We have reached the hour of adjournment and the Tribunal will rise until 9:30 tomorrow morning.

(A recess was taken until 0930 hours, 3 September 1947)

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NATIONAL ARCHIVES MICROFILM PUBLICATIONS

OFFICIAL RECORD

UNITED STATES MILITARY TRIBUNALS NÜRNBERG

**CASE No. 6 TRIBUNAL VI
U.S. vs CARL KRAUCH et al
VOLUME 2**

**TRANSCRIPTS
(English)**

3-11 September 1947 pp. 392-774

Official Transcript of the American Military Tribunal VI in the Matter of the United States of America against Karl Krauch, et al, defendants, sitting at Nurnberg, Germany, on 3 September 1947 0930, Justice Shake, presiding.

THE MARSHALL: The Honorable, the judge of Military Tribunal VI. Military Tribunal VI is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: Mr. Marshall, are the defendants present.

MR. SPEECHER: Yes, Your Honors.

Yesterday, during the presentation by Mr. Dubis, he offered in evidence Document NI 10030 as Prosecution Exhibit 48. That exhibit was the chart on the plants owned and operated by Dynamit Aktiengesellschaft, ordinarily referred to as DAG, which chart was certified by Dr. Struss, Chief of the Office of the Technical Committee. Mr. Dubois indicated yesterday that Dr. Struss had made a subsequent affidavit which modified that chart in certain specified ways, showing particularly that I. G. directly owned more than fifty percent of the shares of WASAG, rather than DAG. The new Struss affidavit is Document NI 10411, copies of which, have been distributed to Your Honors this morning and copies of which, in the German language, have been placed in the Defense Center and also given to defense counsel present here this morning. I would like to offer Document NI 10411 as Prosecution Exhibit 106.

Mr. Amchan will proceed.

MR. AMCHAN: If Your Honors please, we are on Documents Book 5, page 3 of the index and the next

series of documents which we shall offer will relate to the construction of secret plants by Farbon, in the early days of the now Naze Government.

We offer in evidence, as Prosecution Exhibit 107, NI 1165, which is a letter from a Farben official, stationed at Stassfurt, addressed to another Farben official, stationed at Bitterfeld, and it relates to a secret standby plant, (Bereitschaftswerk) for the production of light metals. In that letter, Farben is pointing out the technical problems involved in connection with the maintenance of this secret standby plant. Of special significance, and to which we would like to call Your Honors' attention, there appears on page 108 of the English document book-it's the first page of that document-and at the bottom of that page, I quote:

"You know that by order of the Reich, I. G., has established at Stassfurt a plant for the production of 4,500 tons of Electrometal per year, at the cost of 20 million round figures. It is also known that the present needs of light metal for Army purposes can be covered without the utilization of this plant so that this production establishment at Stassfurt is idle, constituting a stand-by plant. Not all competent offices knew, however, that the effectiveness of this operating readiness is being considerably reduced--if not even made illusory--because of the fact that after the day on which plant operation has started it takes 8 weeks for the first metal to be available."

We would like to direct Your Honors' attention,

if we may, in connection with this exhibit, to Document NI 7123, which is in evidence as Prosecution Exhibit 90. That's the first document of this document book which, Your Honors will recall, was a conference, as appears from the first document, there was a discussion of a light metals plant at Bitterfeld.

The next series of documents which we shall offer relate to explosives and I. G. Farben's early participation in various products which exclusively are of an explosive nature.

We offer next in evidence, as Prosecution Exhibit 108, NI 5762, being a letter dated 28 August 1935 from Dr. Pister, a deceased member of the Vorstand, and addressed to Dr. Buhl, also a deceased member of the Vorstand, inclosing the minutes of a conference held with the officials of Army Ordnance. The minutes the meeting contain a discussion of the production of certain chemicals-Diglykol, Stabilizers, Hexogone, Acetophenon, etc. We shall, in connection with the proof under I-D, offer oral testimony as to the significance of these various technical products. We should like to call Your Honors' attention to page 111 of the document book which contains the minutes, or rather, the notes of a conference with Dr. Zahn, who was the Army Ordnance representative. We call especial attention to paragraph 2:

" Stabilizers."

That's the second page of the document.

THE PRESIDENT: Can you give the German reference for the translators?

MR. AMCHAN: That's page 120.

"Stabilizers. Dr. Zahn informs us of a plan to erect a reserve installation for stabilizers of the same size as the one at 'Uo'...."

That's Uerdingen-that's another plant.

"....in Central Germany. As it is to be merely a reserve installation to be used in the case of war, and as one must count on the stabilizers being used within a short time, no installations for distillation should be provided. The plant, which is to be erected at Wolfen, should be expandable to double its size."

And then there's some other technical studies.

On the next page, under the subject of Hexogene, Dr. May, an I. G. official, as appears from the minutes:

"...reported on the large consumption of Hexamethyl Entotramine for the manufacture of high explosives in Japan. Hexamethyl-Entotramine produced from Ammonia and Formaldehyde.

"Dr. Zahn informed us that the Dynamit A. G. at Rottweil....."

And Your Honors will recall the evidence of dynamite being controlled by I. G.

"....is working on the production of Hexogene (Trinitro-Hexamethyl-Entotramine.)"

This is August 1935.

We next offer in evidence, if Your Honors please, as Prosecution Exhibit 109, NI 5761, which is a copy of a strictly confidential memorandum prepared by Dr. Pistor, a deceased member of the Vorstand, relating to further discussions on the similar matters with the Army Ordnance representatives on 19 September 1935. We call attention to page 113 of the English document book,

and it's the first page of this particular document. Page 122 of the German. In the middle of the page, after discussions of a plant for this particular explosive, appears this notation:

"This procedure is more expedient in view of the fact that this agreement should serve as pattern for agreements on other plants, that is, for the stabilizer plant. (Dr. Tor Moor....."

That's the defendant Tor Moor.

"....(Dr. Tor Moor with whom I spoke about this matter also emphasized that naturally the State should not be given any power to become our competitor with the help of equipment like the stabilizer-plant which comprises quite a number of products such as aniline and others.)"

On the next page, the author of this note, in the middle of this page, has this significant statement:

"I also discussed this matter with Dr. Ter Meer who said that he had thought of having the complete manufacturing process performed at Gersthofen...."

And then, further down:

".....Dr. Ter Meer will discuss it himself with Dr. Zahn whom he is going to meet within the next few days."

And the last page of this document, on page 115 - this is Pistor's memorandum:

"I have not talked to Dr. Zahn with regard to the stabilizers, since Dr. Ter Meer will be having discussions on this matter with Dr. Zahn in the course of the next few days."

We next offer in evidence, if Your Honors please, as Prosecution Exhibit 110, NI-6144, which is a copy of a secret contract, and the contract itself indicates it is secret, between I.G. Farben and the German Reich, relating to secret patents for the manufacture of Hexogene. We call attention to page 113 of the document book, Article 6. Page 129 of the German.

"The Firm....." meaning I. G. Farben, ".....shall undertake to preserve the secrecy of this contract and of the correspondence dealing with its drafting and execution, as well as all documents, drafts and files pertaining to it."

And then the first page of the document, page 116 of the document book, the Preamble of this Contract is significant, we think. It appears on page 126 of the German book.

"Preamble.

"In 1935 the Firm, on its own initiative, conducted experiments in its Hoechst laboratories which led to the discovery that hexogene can be obtained by nitration of methylenesulfonamide salts; consequently, the Firm registered patents....."

"The Firm informed the OKH immediately of the results of this work, and until 1938, in agreement with, and in the interests of, the OKH as well as together with the specialists of the OKH and the Reich Institute of Chemistry, the Firm, in its Hoechst plant as well as in an experimental plant in Hanau, tested the processes discovered by it for the industrial production of methylenesulfonamide salts, for the nitration of these salts, as well as for the cultivation of the waste acids of nitration...."

We offer next in evidence, as Prosecution Exhibit 110 - 111, I'm sorry, MI 6498 which is a copy of a confidential letter, dated 9 December 1935, from Dr. Paul Mueller, who was the President of Dynamit A.G. It is addressed to I. G. Farben Director Kraenzlein at the Hoechst Plant. At page 120 there appears some significant language. That's the first page of the document. Page 131 of the German book.

"Strictly Confidential. 9 December 1935.

"I think you very much for your kind letter of 5th inst. I cannot tell you how glad I am to observe the most gratifying results of the closer collaboration in the sphere of high explosives upon which we embarked some time ago. I do not want to miss the opportunity to inform you of a paragraph in a letter from the Commander-in-Chief of the Army, signed 'by order' by Lt. Col. von Horstig which reads:

"Section No. 1 of the Production and Examination Department of Army Ordnance Office congratulates D.A.G. on having been enabled - by close collaboration with I. G. and Army Ordnance Office, Production and Examination Departments) - to produce the modern high explosives Trinitrobenzene and Hexogene and to develop them further in the interests of the defense of Germany. --"

"I congratulate you also on the new process for the production of synthetic Glycerine. I await with truly impatient interest the results of the experiments now under way."

That is from a subsidiary of I. G. Farben to I. G. Farben's director.

We offer next in evidence, if Your Honors please, as Prosecution Exhibit 112, MI 7135, being a letter dated 20 February 1936, from Farben's

military liaison agency, Vermittlungsstelle-W, addressed to the Reich War Ministry, relating to a secret standby plant for production of concentrated nitric acid. The production figures for sulphuric acid and nitric acid, in connection with the plant, are indicated. We ask Your Honors to please consider, in connection with this document, Prosecution Exhibit 91, NI 7828, which is the second document in Book 5, and if Your Honors will glance at page 6 of the document book.....Well, that document, the reference I had to it was, when Your Honors refer to that document, you will see that in the discussions of the military ordnance people they had an item, which was in evidence yesterday, "preparation in case of war, concentrated nitric acid plant".

We offer next in evidence, if Your Honors please, as Prosecution Exhibit 113, NI 5910, which are the minutes of a meeting of the technical management committee at Frankfurt, on 3 August 1936. The defendant Jachne is present. One of the members informs the meeting of a new process for the production of Siliciumtetrachloride which is being used in connection with testing smoke screens. The document is self-explanatory and requires no further elaboration.

We offer next in evidence, if Your Honors please, as Prosecution Exhibit 114, NI 4490. It's a memorandum note of Pistor, the deceased Vorstand member, of 13 November 1936, with respect to discussions which he had with Dr. Zahn of the Army Ordnance office concerning the chlorine situation. At 125 of the document book appear some interesting notes. Page 1 of the document, second paragraph. Page 147 of the German book.

"Furthermore, Dr. Zahn told me that in his opinion two more plants for the manufacture of calcium sulphuric acid would be needed as emergency plants, the location of which, however, was not fixed."

Two paragraphs down:

"As to the production facilities for Nitrocol, Dr. Zahn referred to the fact that at Ludwigshafen up to 350 tons could be produced monthly, a quantity which he thought would not yet be needed at present, because

and powder had not been tested for a possible use of diglycol.

"Dr. Zahn is of the opinion that in the near future, we shall have to increase our phosgene production to a capacity of 500 tons and that soon the building of the acetophenone-plant would be ripe for decision, too."

The last sentence of that paragraph:

"He will then give us a permit to the effect that the non-rationed raw materials wanted by us are needed for direct orders of the Armed Forces, a permit which will help speeding up the supply situation considerably."

And at the bottom of that page, in connection with the discussion on chlorine:

"Dr. Zahn's inquiry can be traced back to the fact that they had conferred about the chlorine situation with Dr. Ritter....."

an I. G. official

".....and evidently felt apprehension that there was not sufficient chlorine in the 'A-Case'."

"A-Case", that's the code name in case of war.

And Your Honors will note, on the next page, that a copy of this memorandum went to the defendant Buergin.

We offer next in evidence, as Prosecution Exhibit 115, NI 4488, being a memorandum of 17 December 1936, on a visit of Dr. Zahn to the I. G. Farben plants at Wolfen and Bitterfeld. At page 127 of the document book, which is the first page of this document, page 149 of the German book:

"Dr. Zahn stated that the lack of glycerine....."

This is December, 1936.

".....made it urgently necessary for the Wolfen diglycol plant to start operations on 1 March....."

And the fourth paragraph:

"Dr. Zahn counts upon the 1 October 1937 as deadline for the completion of the stabilizer-plants. The Wolfen works will keep to that date.

"It is to be ascertained what amount of aniline and mono-ethyl aniline can be stored in the tanks of the stabilizer plant at Wolfen. Dr. Zahn wants to store up a larger supply."

Doc. 7-3-1-4-15-16 (Bammler)

We offer next in evidence as Prosecution Exhibit 116, NI 4487 which is a confidential letter of 17 December 1936 from Dr. Pistor of I. G. Farben to Dr. Buhl referring to a visit from Dr. Zahn to the I. G. Farben Bitterfeld plant, on page 128 of the Document Book which is 150 of the German book, fourth paragraph:

"Dr. Zahn informed us of the necessity for the first Diglycol plant to go into production immediately after completion. For this purpose he suggested that a lease contract be concluded with the Commander in Chief of the Army and he asked us to prepare such a contract."

at the bottom:

"Diglycol is to replace Glycerine, which is scarce."

We offer next in evidence as Prosecution Exhibit 117, NI 4489 which is a file memorandum of 11 January 1937 of discussions between Dr. Wittwer of I. G. Farben and Dr. Zahn of the Army Ordnance regarding the plant at Amendorf which was to be put in operation very promptly. The document is self-explanatory.

We offer next in evidence as Prosecution Exhibit 118, NI 4492 which is a memorandum of 20 January 1937 of a discussion between Dr. Zahn of Army Ordnance office and named representatives of I. G. Farben where they are discussing the lease agreement for a Diglycol plant, page 130 of the Document Book, which is 153 of the German book, paragraph 3:

"The estimates submitted to the Heeres Waffon Amt i. o. Ordnance regarding the supplementation of the diglycol-plant to an increased production of 400 tons per month and the Phosgene plant to 600 tons per month, are at the Office for Price Control."

The next paragraph, your Honors will note, Dr. Ambros being the defendant Ambros is concerned with this matter.

Paragraph 7:

"Dr. Zahn expressed the desire that the I. G. might transfer to the Heeres-Waffon Amt a capable, energetic engineer with all

2 Sept 47-3-2-4-AEH-Love (Rammler)

from machine-technical and also chemical knowledge. This man's task would be: Centralized agreement, supervision of orders, acting as advisor to the men of the chemical department of Ordinance. Tenure of his activity, etc."

We think that is significant in connection with the charges made in the indictment of the Farben officials being so predominantly placed in Government offices.

On the next page of this same document we direct attention to the last paragraph, page 131 of the Document Book, to the extension of the present Losantine manufacture. Losantine, we shall have occasion to discuss later on, and its production figures will be rather significant, and at that time we will describe the significance of this particular commodity.

We offer next in evidence, if your Honors please, as Prosecution Exhibit 119, NI 4494, being a letter from I.G. Farben at Wolfen to Dr. Buhl at Frankfurt on 8 February 1937 enclosing a memorandum indicates the discussion on Dinitroanisol, storage problems, etc.

On page 133 of the Document Book which is the second page of the document, 158 of the German, 157 and 158, at the top of page 133 we ask your Honors to note in connection with the notation of persons present and it says, "of I.G. Dr. Wittwer (at the same time acting as Commissioner Raw materials)" occupying a dual relationship.

Further down on that page "Dr. Zahn intends to create facilities for storage of 5,000 tons in Wolfen, as well as for 5,000 tons in Reinsdorf." Stockpiling.

and, we ask your Honors to note at the bottom of the page copy of this went to the defendant Dr. Ambros.

We offer next in evidence as Prosecution Exhibit 120, NI 4486 which is correspondence in March of 1937 between the Legal department of I.G. Farben and Dr. Buhl in connection with certain agreements about secret plans, page 135 of the English Document Book which is the first page of the document, page 158 of the German Book.

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"Subject: Diglycol-Plant Wolfen." Second paragraph:

"During the last few days, Dr. Goldschmidt approached us. He had somewhere heard of the Wolfen plant's existence and is now asking for a detailed explanation in view of our special agreement of June 1930."

2 pages further, on 137 we get Dr. Buhl's reply, 160 of the German Document Book:

"In reply to your letter of 16 March, I am glad to inform you that the Diglycol-plant at Wolfen was originally planned merely as a stand-by plant in case of war and that for this reason alone we first had no cause whatsoever to contact Goldschmidt in this matter."

Then at the bottom of the letter:

"In addition to this we are bound to strictest secrecy, and would need official approval for a discussion with Goldschmidt on this matter."

We offer next in evidence as Prosecution Exhibit 121, NI 5763, being a letter of 25 March 1937 from Dr. Pistor to Dr. Buhl in connection with the Wolfen plant which is about to go into operation and at page 138 of the Document Book, which is page 1 of that document, 3rd paragraph, appears this notation:

THE PRESIDENT: Just a moment until they get the German reference.

MR. McCRAH: 163. "We shall commence production in the Wolfen factory before the matter of the lease contract is settled, on the strength of Dr. Zahn's letter of 15 March 1937 of which a copy was forwarded to you. Our output is to be sold to the explosive-factories Wasag and Dynamit-Nobel."

at page 140, 2 pages ahead, and in that first letter were contained enclosures of other correspondence.

"Subject: The starting up of the di-glycolene plant Wolfen."

That is page 167 of the German Book.

"The great shortage in glycerine supplies on the one hand, and the increased demand in the most widely divergent industrial and

Wehrmacht spheres on the other hand, make it necessary that an adequate amount of di-glycolene should be available at the right time. The High Command of the Armed Forces therefore agrees that you take all measures to ensure an early start of production in the new di-glycolene plant in Wolfen. It is presumed that the buyers for the entire output will be in the first place the powder and explosive factories (Wasag and DAG) who will place their orders directly with you."

That is a copy of the letter of the high Command of the Army to IG attention of Pistor,

We offer next in evidence, if your Honors please, as Prosecution Exhibit 122 NI 4634, secret memorandum file of the Vermittlungstelle on production of products for decontamination of weapons. The date is significant, we think, 25 June 1938, on page 142 of the Document Book which is the first page of that document, page 170 of the German Book.

"Subject; Substance for the decontamination of weapons."

Second paragraph:

"The production of the substance for the decontamination of weapons, in Wolfen, ---"

That is page 170 of the German Book. "Die Herstellung" on page 170 is the beginning of that quotation.

"The production of the substance for the decontamination of weapons, in Wolfen, is to be brought up immediately to the greatest capacity possible----"

"The production of the substance for the decontamination of weapons, in Wolfen, is to be brought up immediately to the greatest capacity possible at the present time, i.e. 17 tons per month. The increase to 34 tons per month is not to be carried out by 1 November 1938 but by 1 September 1938. The necessary iron will be assigned by Wa J Rue 9; the assignment is already under way. Production must at all costs be so organized that by 1 October 1938, 100 tons per month of the finished product are delivered to the Army; if necessary, three shifts must be worked from now onwards, if this is not already the case."

And at the bottom of that page this particular government office requests an answer to the following questions "by nine o'clock on Monday, 27 June," and the letter is dated 25 June, two days notice, and we think it is especially significant in considering this document that the date precedes by a few months the Munich pact and the Munich crisis of September 1938.

We offer next in evidence, as Prosecution Exhibit 123, NI-4637, a strictly confidential letter of 14 July 1938 from Berlin to the Leverkusen office concerning purchases of toluol for the manufacture of explosives, at page 144, which is 173 of the German book, in the middle of the page:

"Meanwhile, as is known -- i.e. 4 July 1938 -- even increased quantities of pure toluol have been called up for the current month and the month of August in consequence of the demands of the explosive factories which have increased again."

The series of documents which were just offered relating to Farben's participation in the explosive field are designed to show that they embarked on this program with knowledge as to what the current political situation was and the use to which it was being put.

We offer next in evidence, as Prosecution Exhibit 124, being NI-5890, which is the minutes of the meeting of the technical directors at Hoechst 22 August 1938. The defendant Lautenschlaeger is present and there is a report on a visit of an Army ordinance officer concerning acetophenon and that experiments are to be continued on a large scale with respect to that product. There is nothing which requires reading; the document itself tells the story.

We offer next in evidence, as Prosecution Exhibit 125, NI-6487, a letter from the Army High Command, Army Ordinance, to I.G. Farben, 2 March 1939, concerning a meeting of the High Command of the Wehrmacht with leading personalities of I.G. Farben. The Wehrmacht is informing the I.G. Farben officials of the problems of the Army High Command; the document is self-explanatory.

We offer next, as Prosecution Exhibit 126, NI-4989, which is copy of a contract between the Reich and the Army High Command in I.G. Farben in 1941 concerning the operation of a poison gas plant at Dyhernfurt. We think it is significant in that contract and we do not propose to read the contract; at page 152, 178 of the German book, the paragraph preceding article 1, and Your Honors will note at the top of the page: Dr. Ambros.

"The OKH" -- that is the Army -- "has appointed Montan as responsible agent for this enterprise."

Montan is a corporation which the German government used as the lessor and owner of its plants.

"On the basis of the following lease contract, Montan transfers to Anorgana," -- we call attention to Anorgana -- "to a 100 percent I.G. owned subsidiary, the maintenance and operation of the plant, it being understood that Anorgana will procure the necessary working capital."

We shall go into detail at a later^{date}/as to Montan and Anorgana and particulars of financing and leasing of these facilities. What we call attention to at this point with connection to this contract is that in the operation of the poison gas factory I.G. did not undertake to operate it itself but used its hundred percent subsidiary Anorgana to operate the plant.

We offer next in evidence, as Prosecution Exhibit 127, NI-5668, which is a report of the nitrogen conference in Leuna, 22 December 1937. There are some very significant things in that document at page 163.

DR. GATHER (Attorney for defendant Ambros): I should like to see the original of the lease contract which was just submitted.

THE PRESIDENT: Counsel may proceed.

MR. AMSHAN: Prosecution Exhibit 127 in evidence is NI-5668. We call attention to page 163 of the document book, which is page 199 of the German book. Quite a number of our defendants were present at that conference and I may point out: Oster from Berlin, Buergin from Bitterfeld, Ter Meer from Frankfurt, Jaehne from Hoechst, Buete-fisch from Leuna,

Seemälder from Leuna, Ambros from Ludwigshafen, Wurster from Ludwigshafen, Krauch from Oppau. All persons indicated are defendants in this case.

On the next page, discussing the nitrogen situation, second paragraph:

"As compared with the year 1936 activity has increased by about 25,000 tons nitrogen or 44 percent. Two-thirds of the increase is accounted for by the home market and one-third by the foreign market. The increase in home consumption is made up of 10,000 tons nitrogen for nitric acid and 7,000 tons Nitrogen for liquid ammonia."

The next sentence: "The most important product in commercial nitrogen still continues to be nitric acid, and of the total sale of 84,000 tons nitrogen in 1937 this accounted for 36,000 tons nitrogen or 43 percent."

On the next page, 165, 201 of the German book, in the middle of the page:

"In November 1937 there was a temporary shortage of nitric acid caused by large orders from the factories producing explosives. Consequently the Reich Ministry of Economics and the Army Ordinance Branch considered it necessary to intervene and to prescribe a plan of distribution."

The documents just submitted relate to the general charges of the early part of the indictment under 1-A indicating Farben's activity in the production field, and of course Your Honors will appreciate that when I state that the proof is in connection with Court 1-A or any particular paragraph we do not necessarily mean to confine the proof submitted to that particular paragraph. There will be other proof that cuts across the lot. It is just a general way to maintain continuity and we think it will be helpful to refer to it in that way. The documents about to be offered relate to the charges of I.G. Farben's political support, after the alliance in 1933 with the new Hitler government.

We offer next as Prosecution Exhibit 126, being NI-1319, an excerpt from "Von Werk zu Werk", which is the Farben factory paper circulated among its employees, an article on January 1941 by Krauch on the life

and achievements of Hermann Schnitz. It is a laudatory article and it contains some significant admissions and we think Your Honors will appreciate it when reading it as a whole.

We offer next in evidence Prosecution Exhibit 129, NI-6489, a letter of 25 February 1938 from Farben organization Bayer to its foreign representatives in connection with support of the Nazi Party abroad; at page 170, which is page 207 of the German book, appear some significant observations. We call attention first to the fact that the defendant Mann signed this letter. First paragraph, three lines down:

"We would not wish to let the beginning of this year go by either without repeating our request that you as well as all your collaborators should again and again make all endeavors to support not only the government agencies, but also official Party agencies in their work abroad."

The next paragraph:

"We consider it as a matter of course that, apart from each individual being prepared to render service, our foreign offices" — that is, I.G. Farben's foreign agencies — "should also place themselves fully at the disposal of the German cause. This entails the avoidance of placing orders with anti-German firms or of using anti-German newspapers or periodicals for advertising purposes. On the other hand we attach great importance to supporting those organs which have always shown themselves particularly pro-German by the insertion of advertisements."

We offer next as Prosecution Exhibit 130 Document NI-8590. It is a letter by an army ordnance official Loeb, 25 November 1937, to Backe, and another government official reporting on the achievements of the first year of the 4 year plan. As significant we call attention to page 172, 209 of the German document book, under item:

"Origin of the Over-all plan.

"a) Ascertaining requirements for peace and war. The difficulty here is determining the increase of peacetime requirements in advance and the possibility of obtaining definite mobilization figures from the Reich Ministry of War and the Commissioner General."

And a note in the margin that it refers to Goering.

"b) Ascertainment of immediately practicable ways to meet this demand fully or in part without resorting to imports. In this connection, closest possible cooperation with the Reich and party offices concerned and in particular with the industrial economy which cannot be dispensed with in carrying this out."

And I call your Honors' attention to the note on the margin of that document referring to the industrial enterprises. The notation is, "I.G.Farben."

"c) This brought about the over-all plans of 15 October 1936, January 1937, and May 1937 which were conservatively drawn up and constantly developed further."

On the next page, item 7:

"Measures for further development.

"b)" -- this is a government report your Honors will recall -- "Systematic commencement of research by assigning tasks directly to governmental and private research offices; the ones particularly efficient and worthwhile to be singled out as "Institutes of the Four Year Plan." The fear that the influence of this office might be disturbed by the establishment of the Reich Research Council has so far not materialized."

We refer to this at this time because we shall offer in evidence at a later date documentary proof of the fact defendant Krauch was the author

of the Plan for the Research Council.

"c) Elaboration of the widely dispersed statistical and scientific materials on raw material flow charts and raw material balances for all fields in any way important. In this way, for the first time, a clear survey will be made of the fundamentals of the economy from the point of view of raw material and the possibility created of a systematic guidance in peace and war adapted to any circumstances. This makes it possible to solve the Plenipotentiary General's most important task."

We shall again show later on Krauch's participation in this particular field.

On the next page, 174-d, page 212 of the German book:

"Constant development of the over-all plan. The next edition planned for the beginning of 1938 will deal with all fields going out from the point of view of theoretically complete self-sufficiency."

There are other significant things in this report which I shall not read but the tenor of it appears from those quotations.

We offer next in evidence as prosecution exhibit 131, NI-8594, a report of 21 April 1943 prepared for Krauch, showing the effect of the overall war effort which the bombing of I.G. Farben plants would have. The document itself goes into details on the extent of destruction and its effect on the production and we think its significance lies, among other things, in showing the importance, the strategic importance in the part, I.G. Farben's products played in this thing.

We offer next in evidence as prosecution's exhibit 132, NI-10002. Now, your Honors will recall that at the concluding part of Count 1-A the charge is that as a result of the alliance between I.G. FARBEW and Hitler they reaped huge profits. We have now some of the evidence on this point indicating the extent to which year by year the sales and profits grow and, in connection with NI-1012 -- 10002, rather -- your Honors will note sales of I. G. Farben in 1932, 875 million odd marks. You will note the entries coming up to 1943 to 3,115,000,000 marks.

Your Honors will also note the second column, gross profit from

1932, of 71,000,000 -- steady increase until 1943 of 549 million -- 1942, 571 million. The chart we think is significant when you compare it's rise year by year and it follows along with the extensive support and participation with the government.

We offer next in evidence as prosecution exhibit 133 NI-10014, an affidavit in connection with the previous exhibit indicating how it was compiled.

We offer next as prosecution exhibit 134, NI-10003 being a chart showing the net profit of I. G. Farben. The figures without going into detail disclose the point we have indicated.

As prosecution exhibit 135 we offer the affidavit in connection with the preceding exhibit indicating the manner in which this chart was compiled.

This generally concludes the initial presentation on the proof in connection with I-A and, as I have indicated before, this proof is only in a general way on the subject matter and is not necessarily exclusive and there will be additional proof as we get along in the other subject matters.

DR. DOETICHER (Counsel for defendant Krauch):

May I have the original of Exhibits 130 and 131, please? May I look at them and then return them at a later date?

THE PRESIDENT: Certainly.

MR. SPRECHER: Your Honors, the prosecution had planned to call the witnesses Hagert, H-a-g-e-r-t, and Paul O. Schmitt in connection with some of the material submitted, in connection with the evidence which principally relates to I-A. However, at the request of the defense, we have postponed the calling of Schmitt until the middle of the month and since there will be affidavits from Hagert on a number of other subjects, the defense has agreed that it would be appropriate for him to come later.

Your Honors, we planned to go on with some of the documents concerning I-B immediately. I think it would be a convenient time for a

break if that is agreeable to you. If it is not, we will proceed.

THE PRESIDENT: The Court will arise for its recess at this time.

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THE MARSHAL: The Tribunal is again in session.

MR. STIECHER: May it please the Tribunal, in Document Book V in the index it has been pointed out to me by Dr. Boettcher that Document NI-8594 -- that is on page 7 of the index -- is improperly indexed in one particular. The index states that this report was prepared by Eckel, E-c-k-e-l, for Krauch. As a matter of fact, as Dr. Boettcher points out, the gentleman who prepared the memorandum was O-e-c-k-e-l, another Oeckel but with somewhat different spelling.

In Count I-B the Prosecution has changed that Farben synchronized all of its activities with the military planning of the German High Command. The documents which we are about to refer to will principally relate to this subject. However, Your Honors will find that quite a number of them have been referred to under Count I-A. For purposes of convenience these documents -- copies of either the translations or copies of the German are reincluded in the document books because by now I am sure you already have something of a load to carry when you come back to the courtroom and that applies to Defense Counsel and the Prosecution as well. So long as we don't run out of copies, we will try to continue that practice.

The first document we come to is NI-5861.

THE PRESIDENT: Just for the sake of the record you, of course, have reference to Document Book VI?

MR. STIECHER: Yes. I am sorry.

THE PRESIDENT: Thank you.

MR. STIECHER: That document is found at page 1 in both the English and the German. We would like to introduce this document as Prosecution Exhibit 136.

It is a rather interesting document, it seems to the Prosecution, in that it records the minutes of a meeting of the 30th of January,

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1933. That is the date when Hitler became Chancellor of Germany. On that date two of the defendants, the defendants Lautenschlaeger and Jaehne, were present along with another deceased Vorstand member, Mr. Hermann, at a meeting at which Hermann reported that he had visited the Reichswehr Ministry concerning smoke material.

The next document is NI-5862, page 4 of the German document book. That will be marked in evidence as Prosecution Exhibit 137. This is again the minutes of a meeting of the Vorstand at Hoechst. Again we want to point out that when a reference is made to the Vorstand at Hoechst, it refers to the principal managing group at the plant and not to the entire Vorstand of I.G. Farben. Ordinarily, Your Honors, you will find that several members of the Vorstand of I.G. Farben are present, ordinarily these Vorstand members are specifically charged with responsibility for seeing that the local plant is properly administered, and I take it that that is the reason why some of these local plant meetings were referred to as Vorstand meetings. In any event, at this meeting on the 6th of February, 1933, the defendants, Lautenschlaeger and Jaehne, were present. The excerpt appearing in the translation, paragraph 6, notes that the Pitterfeld plant had written a letter and offered to assist in certain development work and that the Hoechst plant was declining this assistance with thanks because they thought for the time being the tests with respect to smoke-producing agents were being carried out amply at Hoechst.

The next document is NI-8326 at page 4 of the English and page 6 of the German documents books.

THE PRESIDENT: Were you purposely omitting the third document, NI-5868?

MR. SPENCER: No, Your Honors. I am glad you brought that to my attention. It was an omission in my document book. It is in the

other document book which I now have available.

The next document then will be NI-5868 which appears at page 3 of the English and page 5 of the German document books. That has already been marked in evidence as Prosecution Exhibit 85. All we wish to point out there, Your Honors, is that a smoke screen test had taken place in which

certain of the Farben officials had participated at the site and some of the results were reported to this group that met on the 18th of September, 1933, at Hoechst including the defendants, Lautenschlaeger and Jaehne.

The document I referred to before was NI-8326. This is an affidavit of Struss which authenticates Document NI-306 that already went in evidence yesterday as Prosecution Exhibit 95, and I would like to point out that the copy of it which is in the document book today which is permanently attached, is incorrect and that the loose copy in your document book is correct and is the same as the copy which you got yesterday. There are only very minor changes in order to indicate that page 2 of the original is the beginning of NI-306, the attached document. There is no difference in substance.


JUDGE KOWALIS: Mr. Prosecutor, is this NI-8326 now being introduced as Exhibit 138 or shall we disregard it as a number?

MR. STRECHER: No, sir. As I pointed out to Your Honor, it already has an exhibit number, and I merely am referring to it again in the presentation of the proofs in connection with this subject. It already has the exhibit number ---

THE PRESIDENT: Ninety-five.

MR. STRECHER: Ninety-five. I have no intention of reading from it, but I did want you to have our assistance in pointing out its connection to this topic. We believe that this document by showing all the conferences which various leaders of I.G. Farben has with a number of Hitler's top representatives and many leaders in the Reich Government does help establish the allegation in paragraph 19 of the

Indictment that Farben cooperated with Hitler in his earliest efforts to build up a vast military machine in violation of the Treaty of Versailles.

The next document is NI-5910 on page 13 of the English document book and pages 20 and 21 of the German document book. This document was already introduced this morning as Prosecution 113. There is only one thing we particularly want to point out in this document in this connection and that appears in the last five or six lines of the excerpt in the translation. It is noted that General von Heider who came from the salescombine chemicals and one Staib would approach the Berlin authorities in order to secure that I.G. Farben in view of the high experimental costs which had accrued could be assured of a supply of siliciumtetrachloride which was a product that had been partly produced by some other chemical concerns, and our purpose is to show the initiative of Farben in keeping up with the whole field of research and having adequate supplies in connection with gains made by other concerns in connection with war preparations. This also has to do, Your Honors will note, with smoke screen tests which have come up previously and shows the interest of Farben in that matter between 1933 and the date of this document, 1936. 

The next document, N I-4490, also went in evidence this morning as Prosecution Exhibit 114. I would like to read very briefly from the bottom of page 14 in the English document book which is on pages 22 and 23 of the German document book.

"Dr. Zahn --" Dr. Zahn came from the Army Ordnance Office as we we will have to point out many times because his name comes up a great deal in these documents.

"Dr. Zahn, as he told me, -- "and this is Pister, the deceased Vorstand representative talking --"had had a longer talk with Dr. Ritter before the meeting with me." Dr. Ritter was Krauch's representative in Vermittlungestelle which we will come to in a minute.

"On the basis of that discussion Dr. Zahn asked me whether we used chlorine for our magnesium."

And then skipping down:

"Dr. Zahn's inquiry can be traced back to the fact that they --"meaning the Army Ordnance Office --"had conferred about the chlorine situation with Dr. Ritter and evidently felt apprehension that there was not sufficient chlorine in the 'A-Case' -- "meaning in the case of war.

I will now pass to Document NI-4718, page 18 of the English document book, pages 24 and 25 of the German document book. I would like to mark this document in evidence as Prosecution Exhibit 138.

This is a rather significant document for so many reasons that I would like to read rather substantially from it with your permission. It begins with a letter from the defendant, Krauch, which is dated 14 September 1933 and addressed to State Secretary Milch, who himself has been a defendant in proceedings before the American Military Tribunal. Krauch states that he is taking the liberty of mailing Milch an exposition about the German motor fuel economy, "which we have compiled after an exhaustive study of the situation on the German motor fuel market. The text deals solely with the manufacturing aspects, taking into consideration also the capital investments and the possibilities

of providing employment. We did not discuss in detail the problems of selling and distribution because they had been thoroughly dealt with elsewhere."

Now I will quote:

"In order to arrive at a clear-cut production program, the exposition concerning the expansion of manufacturing facilities has been based on a Four Year Plan." We underline that word, "Four Year Plan," and ask you to note the date, 14 September 1933, because the Four Year Plan of Goring did not come until the year 1936, and as we pointed out in other connections the Karinhall Plan, otherwise referred to as the Krauch Plan, also came at a little later date, and in view of the inventiveness of the defendant, Krauch, in connection with some of these special plans, we want to keep the time very clear.

Continuing the quotation:

"It will, of course, be easily possible to accelerate the speed of this expansion so as to reach the production target in a shorter time."

Now I would next like to pass to page 18 of the English document book -- that will be pages 30 to 32 of the German document book -- and refer to the next letter in point of time which is dated the 23rd of July, 1935. This is a letter from Milch to Krauch.

"Dear Dr. Krauch:

To begin with, I would like to thank you especially for the friendly reception you gave us in Oppau." Oppau being one of the largest I. G. Farben plants. "All participants were deeply impressed by the informative talks and demonstrations given them there. I myself have immediately informed General Goring, who is also particularly interested in questions of this nature. As soon as he has finished his summer vacation, he plans to ask you to come for a leisurely visit to Karinhall in the

Schorfheid in order that he, too, can discuss with you the long range viewpoints."

Then skipping down to the end of that letter, General Milch makes two specific requests which he had previously made orally to the defendant, Krauch, and we think this is rather important again bearing in mind the date, 23 July 1935. Milch requests Krauch to see that Farben assigns a liaison officer to "our C-office", the C-office being an office of the Reich Air Ministry, and, secondly, that Krauch should see to it that there is some provision of educational and training material for the Luftwaffe concerning the various projects of I. G. which might be suitable.

Now if we will go back just one page, we will note the letter in reply from Krauch to Milch, and that letter is dated the 29th of July 1935. For purposes of present emphasis I only underline the contents of the last paragraph on page 18 of the English document book:

"I suggest the provisional appointment of our Dr. Ritter as liaison officer to your C-office."

I think that this document will indicate something of the foundations of this rather important agency, Vermittlungsstelle W which at the time of this letter had not yet come into formal existence.

The next document in the document book is NI-4702 which has previously gone in evidence as Prosecution Exhibit 101. The only reason I wanted to detain Your Honor in connection with this document at the present time is because of the distribution list, The distribution list often being so important in a criminal case because it runs to the question of knowledge and into such questions as what one can reasonably expect the whole frame of ideas of the persons concerned to be in that it helps show how they did their business among one another.

This is a letter from the Defendant Krauch, dated 5 September 1935 at a time when he was still the chief of Sparte 1, the great production division within I. G. Farben which had under it nitro-gen, synthetic oils, fuels, gasoline and coal, to speak of the most important products.

You will note that Krauch, in announcing the formation of Vermittlungsstelle-W addresses himself to some of the main works which are involved inside his Sparte, Sparte 1--and that included among the addressees are the defendants Schneider and Oster; and that the I.G. Coal Works, then under the administration of the Vorstand member Schorf, since deceased, also received a copy, a number of the various administrative officers, some of whom were under the defendants now here, also received copies.

There is one correction which we would like to make in the text. On page 21, which is on page 34 of the German, in the second full paragraph: "From now on all correspondence--even about matters still in abeyance," instead of "matters still in the balance," with the Reich Minister of War and its offices, such as the Army Ordnance Office, etc, The Navy Office and its offices and then listing a number of other offices...shall be addressed exclusively to the Vermittlungsstelle-W and it shall receive a copy of all correspondence."

I shall pass from that document. It has already been referred to, and I am sure Your Honors are probably in the process of reading it.

The next document is NI-4627 which is found at page 23 of the English and pages 36 and 37 of the German document book. We will mark that in evidence as Prosecution Exhibit 139. I would first like to note the date: it is the 28th of September, 1935, and that the document is a letter from the Defendant ter Meer, which is addressed to the four principle works combines of I.G. Farben as well as to the Defendant Schnitzler, the Defendant Mann, and another Vorstand member, now deceased, Weber-Andreas. When a document such as this--even though marked "confidential" was addressed to a works combine, it was the duty of that works combine to see that it was passed appropriately to all plants within the works combine who administratively had an interest there in.

I will come to some of those matters, Your Honor, in connection with a fuller discussion of the corporate structure of I.G. Farben in several days. Now, this letter of ter Meer's is somewhat similar to the letter of Krauch which you just had before you in which he announces the formation of Vermittlungsstelle-W and notes that Sparte 2, the Sparte which was under the direction of the Defendant ter Meer, is now appointing Dr. von Bruchning to take over the questions for Sparte 2 which Dr. Kitter has taken over for Sparte 2. He points out in the first paragraph that the decision to form Vermittlungsstelle-W was made by the Central Committee of the Vorstand, a committee of as we pointed out about eight members, many of whom are defendants now in the dock.

I would like to point out one other thing; "Details of its sphere of activity of Vermittlungsstelle-W will be discussed at the next Sparte meeting to be held on the 16th of October...I

underline that because an agency of the importance of Vermittlungsstelle-W and the activities in which it did engage certainly were brought to the attention in great detail of persons of the stature of the gentlemen now in the dock. And here at the next Sparte meeting, Sparte 2, where the main plant leaders and directors who were called in to discuss the technical problems involved in that Sparte, so far as all I.G. Farben plants are concerned in detail, Vermittlungsstelle-W's program was to be discussed.

I pass now to document NI-9261, at page 24 of the English document book and page 38 of the German document book. I would like to mark this in evidence as Prosecution Exhibit--I am sorry that it is already in evidence as Prosecution Exhibit 100.

Since that merely identifies the next document, which is NI-2747, and which is already marked in evidence as Prosecution Exhibit 99, I think we can pass on immediately to NI-2747, at page 25 of the English and page 39 of the German document book.

I only wanted to point out that the first paragraph indicates the contribution of each of the three Sparten to the formation of Vermittlungsstelle-W and to note the names of the principle leaders from each of the Sparte, which are designated to head up the activities of Vermittlungsstelle-W on behalf of each of the Sparte. For Sparte-1, Dr. Ritter, and thereafter Dr. Eckell. We will see later on how these gentlemen that were first engaged almost entirely in military liaison activities for Farben, alone were taken over to the Krauch office, along with the Defendant Krauch. They had their training for that job, partly in Vermittlungsstelle-W. Now, Sparte 2 is represented by Dr. Von Bruening; and Sparte 3 under the Defendant Gajowski, who was represented by Mr. Meyer, M-e-y-e-r, throughout the period of the existence of Vermittlungsstelle-W, from 1935 on to the end of the war.

The second full paragraph indicates that a circular sent out

from Frankfurt by the Defendant ter Meer and Prof. Solck, a deceased Vorstand member, who later was promoted to the Aufsichtsrat of I.G. Farben. This memorandum indicated that a Department had been formed inside I.G. Farben for counter-intelligence in connection with the betrayal of working secrets, and so on--and the year is 1936 and the month is January.

Now, we also would like to call your attention to the next page because it takes us over to the commercial side of the Farben organization with respect to these question of military liaison and synchronization of I.G. Farben's activities with the German High Command and the other Reich agencies participating in military matters. That is on page 39 and 40 of the German document book; 26 of the English. Quoting:

"A letter of Dr. von Schnitzler and Dr. Ilgner of 3 February, 1938, to the Reich Ministry of Economics, the Prussian Ministry of Economic Affairs, and the Reich Ministry of War expresses the following:

"For the treatment of questions and tasks related to war economy as far as all affairs of the individual I.G. works are concerned, the following offices will be designated: The Vermittlungsstelle-W for the control of raw material, planning and distribution of production, shipping and stock-piling of raw-intermediary-and finished products, as well as the service exemption of the necessary personnel, and the office of economic policy"--that is WFO--"in NW-7 Berlin, for matters in the business sphere, that is, personnel and requirements estimates within this country and abroad, increase of export, stock-piling of external stores, direction of sales, etc. Provisions have been made that in all matters of war economy close contact will exist between Vermittlungsstelle-W and the Department of Economic Policy"--WFO. We underline that document because there has been some indications

that there will be some claim made concerning the distinct nature of the technical as against the commercial activities of I.G. Farben; and it seems to me that the left hand and the right hand had to be coordinated--and that in fact they well were coordinated.

The next document is NI-2638, appearing at page 28 of the English and 42 of the German. Really, we have here two documents which go together, and we will mark them in evidence as Prosecution Exhibit 140. The first document is an affidavit by Struss which merely authenticates the second document, beginning on page 29 of the English document book and page 43 of the German.

THE PRESIDING JUDGE: Exhibit 140 will identify both documents, is that right? Or do you desire to have them separated?

MR. SPENCER: The Secretary points out that what I had better do is have--well, both of these documents have been marked NI-2638. This is a question of semantics because this is one document, from the point of view of our document processing, but two documents from the point of view of actual fact. The first is merely a covering affidavit by Struss which explains what the other part of the document is.

THE PRESIDENT: It only concerns the mechanics; wheather you desire that the two shall be designated jointly as 140 or that the one numbered 12 and that numberdd 13 shall become 141--whichever way you desire just, so we don't become confused.

MR. SPRECHER: At the suggestion of the Secretary we will mark both as Prosecution 140 since the NI document number is the same.

Now, Struss points out in his affidavit that the document comes from the files of I.G. Farben, and that it was drawn up by Dr. Ritter, who was the representative of Sparte-1 in Vermittlungsstelle-w, and that it was drawn up by Dr. Ritter in collaboration with Prof. Krauch. Dr Struss notes that the document could only have been signed by Prof. Krauch since Dr. Ritter would not have had authority to sign such an important document.

The original we have is, in fact, the copy of the document that was left behind--and not the original--which was sent foward. The date of the principle document--which is a letter, confidential letter, describing generally the nature of Vermittlungsstelle-w is dated 31 December 1935.

I think it is rather helpful to mention a number of things in this document in that we then may be able to make much briefer reference to a number of documents which will come later. Starting with paragraph 2, page 29 English and page 43 German; "The newly founded Vermittlungsstelle-w has as its task the simplifying and connecting-up of those works inside of the I.G. The aims of this work is the building up of a tight

organization for the armament in the I.G. which could be inserted without difficulty in the existing organization of the U.G. and the individual plants."

"In the case of war, I.G. will be treated by the authorities concerned with armament questions as one big plant, which in its task for the armament, as far as it is possible to do so from the technical point of view, will regulate it self without any organizational influence from the outside."

There is a foot note which actually appears in the document which states that the work in this direction was in principle agreed upon with the Ministry of War, "and from this office with the Ministry of Economy."

Then, continuing the quotation, "In close collaboration with the Minister of War it was provided that the work of the I.G. should conform with the general development and in accordance with the rules given by the authorities with respect to their requirements."

"In the Vermittlungsstelle-w the work for armament of all the plants of the three divisions (Sparten) are joined. An agreement has been made with DAG (Dynamit-Nobel) to the extent that DAG works together with the Vermittlungsstelle-w only on supplies for raw material and planning works, whereas questions dealing with the development work were not made by the Vermittlungsstelle-w."

Now, there I might point out that I understand that to mean the following; that DAG, in connection with development work on explosives would work without the assistance of Vermittlungsstelle-w, I.G. Farben's

Agency in Berlin; but that in connection with raw materials, planning of works, and things of that kind, it would work with Vermittlungsstelle-w Berlin. I think later document will indicate a close relation between other agencies of Farben and DAG in connection with certain developmental works.

Now, dropping to the bottom of the page: What was the purpose of Vermittlungsstelle-w? What was the set-up to do, and why? I think this document shows rather well.

"1. Planning works for armaments."

"(a) Central office of the I.G. to secure in the case of war, execution production in the plants of the I.G., one must prepare an I.G. office, making use of the organization of the different divisions and existing institutions which would act as a connecting link to the government offices..." And then, going down to the next paragraph concerning the individual works of the I.G.

"To secure from the beginning the collation of all the armament and technical questions in the different works already during the time of the development a staff was appointed in each plant of the three divisions (Spartan). The same was provided for the commercial offices and the centralized administrations, although the most suitable form for these organizations will only be found after the outbreak of war and by the experiences gained in war. This staff was set up in the different works in close connection with the existing organization of the plants. The manager of the plant

should be in principle the man who is alone responsible for all the armament questions and questions connected therewith."

In view of the fact that a number of the defendants from the technical side were responsible to Vorstand for the direct management of a number of the plants, we think it is rather important that this document points out that the manager is responsible in this connection.

Now, the document proceeds to go into a number of things which I.G. Farben did in synchronizing its activities with the High Command. And I think if we mention then now the individual documents which show the extent, or partially the extent, to which some of this synchronization went, they can be put in evidence with less comment.

It is also interesting to note when I.G. Farben planned the plan usually hit the nail pretty much on the head. The later document to this document of December 1935 will quite well spell out how thoroughly the planning came to actual fruition.

To the middle of page 30, which is perhaps about page 44 of the German:

"To prepare the members of the staff for the different decisions which must be taken in case of war, it is necessary to exercise by means of technical planning games (Betriebstechnische Planspiele) in the plant. In these games all the possible disturbances and their effect on production of the works and furthens the respective measures which would have to be taken to secure the most important production, should be taken into consideration."

And then, skipping one paragraph:

"These measures adopted for the armament should lead to uniform organization under the leadership of the plant manager in each of the I.G. works which connects all the armament and technical questions, including protection against catastrophe and air raids and which can be used in normal times whenever any disturbances may occur in the plants."

Now, that came under Point 1 which had to do with planning works for armament. Point 2 has to do with working out plans of mobilization; quoting again:

"The aim is to make up the plans for mobilization for all plants in close connection with the authorities concerned with the armament. These plans are worked out under the presumption that I.G. takes the measures in its plants to execute these 'Mob-orders.'" Mobilization is the word for Mob, m-o-b. "In cases concerned with the demand of raw material for finished products from outside the works and in questions of labor and transportation, each of the plants of the I.G. works just like every other industrial plant with the organization offices of the government in their respective spots."

"Attempts were made to find out the prospective particulars for the production of the different I.G. works in the case of war."

Your Honors, here we wish to pause. You will note that the initiative to find out what should be produced in case of war is partly coming from I.G. Farben, to say the least here, and it isn't a question of orders being given alone, although that doesn't necessarily

make any difference in these proceedings except to show the motive.

Quoting again:

"Only in very few cases which dealt with especially important products for the war on could get a certain picture of the necessary requirements. It will take a long time for the development work until one could see really clear as to the actual requirements in the case of war."

"A scheme for mobilization for war (technical part) based on present recognitions was set up, just as well as a scheme for the I.G. works (chemical industry). We can expect that the authorities will give at a later date only an indication for the execution of that part of the scheme which has purely the character of a time table, the presumable structure of which was already taken into consideration."

I am quoting quite a bit of this because it also refers to some quotations in Paragraph 19 in support of these documents lie. In the last page of this document we come to the "Continuous Accomplishment of the Work." Now:

"The continuous development work in the field of armament and technical questions connected therewith is fixed and agreed upon in further collaboration with the Vermittlungsstelle W. Contact is made with most of the experts of the I. G. works and the governmental departments."

And then there's a paragraph on the development work and I would like to point out the next paragraph because it involves Dr. von Knieriem. The defendant von Knieriem is closely connected with the patent questions, legal questions in many connections which we will come to again and again.

"Patent Questions and Secrecy - Induced by Dr. von Knieriem, the I. G. will take up all the questions concerned with the patents in the armament field through the medium of the Vermittlungsstelle W. The Vermittlungsstelle W. has and will settle continuously these patent questions."

And then it goes on to talk about various visits, keeping the various people informed as to what all the dealings with the military are and then to the question of the creation of Department A which had to do with various protective measures to see that industrial trade secrets were not violated and that sabotage did not take place in I. G. Farben plants and so on.

The next document is Document NI-7611 which we would like to mark in evidence as Prosecution Exhibit 141. This is found on page 32 of the English and pages 46 to 48 of the German Document book. This is an affidavit by Dr. Garr, who became an officer in the Vermittlungsstelle W during the course of events. He makes certain observations in this affidavit which I would like to point out and obviously beginning in the second par-

agraph within paragraph 2 Dr. Gorr points out that I. G. being such a large organization had to be very careful that its individual plants didn't get into any particular conflict with one another so as to prejudice I. G.'s general interest. I see it is also important to note under Paragraph 3 that Vermittlungsstelle W. didn't only deal with the Wehrmacht but with a number of the other Reich agencies which were closely associated with the autarchy and the armament problems and objectives. I won't point out anything in the rest of that document as there are a few angles on different questions by Dr. Gorr which go into a number of things and I think your Honors reading it in connection with other material can give it its proper weight without much difficulty.

The next document is NI-8923, page 33 of the English and page 56 and 57 of the German Document Book. I would like to mark this document in evidence as Prosecution Exhibit 142. This is an affidavit by Dr. Hans Wagner, who also became an important official of Vermittlungsstelle W. Dr. Wagner goes into the personnel and certain questions concerning the security and other questions. He talks about these various duties of these individuals on page 35, page 59 and to of the German Document Book. I would like to point out to your Honors that Wagner mentions the defendant Gajewski and the connection of the Department III to Vermittlungsstelle W, whereas the main office of Vermittlungsstelle W was in Berlin, Wagner points out that Gajewski had Meyer remain in Wolfen which is not too far from Berlin and that Meyer who was a representative of the Vermittlungsstelle W but didn't spend all of his time in Berlin by any means and the main reason for that was that Gajewski was not interested in having any other outside agency interfere in his Sparte. I don't suppose that Sparte 3, had exactly the same problems of co-ordination of the needed the services of Vermitt-

lungsstelle W in the same way that Sparte II and Sparte I did in dealing with the Wehrmacht.

Now, over on pages 37 of the English Document Book and pages 61 to 72 of the German Document Book, there's a discussion by Wagner concerning the duties of Vermittlungsstelle W in which he makes a categorization. He points out there were some matters which were negotiated exclusively between the official agencies of the Vermittlungsstelle W. Secondly, that there were a number of other matters where the Vermittlungsstelle W sometimes became involved and other times various leading members of I. G. Farben preferred to take the matter up themselves with the agency concerned. With respect to that category I think the general tenor of the documents, which were taken together here, were simply that after the Vermittlungsstelle W had made the necessary liaison and made the necessary introduction its functions in many cases had spent itself and the principal persons concerned in the Ministry, in the Army and the I. G. plants and in the I. G. commercial organizations then were in liaison in connection with one another and the Vermittlungsstelle W. would drop to some extent out of the picture.

Now, coming to Category 3, Wagner notes in that category here that the Vermittlungsstelle W had nothing to do with the liaison with the Wehrmacht and only with great difficulty found out very much about it and he refers as one might expect to some of the experiments that were conducted by the defendant Hoorlein, Dr. Schroder, Dr. Ambros and Leutenschlaeger; three of these gentlemen mentioned being defendants in this case.

He states the nature of some of these experiments in which these gentlemen were involved, one of them concerning penicillin.

We can pass then to Document NI-8321 which is already in evidence as Prosecution Exhibit 102. That's at page 41 of the

English and 56 of the German Document Book. I would like to go over it with your Honor's permission to page 43 to the pages 67 or 68 in the German Document Book and quoting from the middle of a paragraph near the end of the document:

"In 1936 the Office for German Raw and Basic Materials later on renamed Reichs Office for Economical Development, was formed by the German government. Prof. Kraush who was appointed to this office remained at the same time in charge of the Vermittlungsstelle W. He drafted at one the members of Division I and subsequently a number of other members of the Vermittlungsstelle into his new office."

That refers back to a statement I made earlier this morning, that the training ground for one of the main offices in connection with the re-armament of Germany was actually in Farben and particularly in the Vermittlungsstelle W in this particular case. Then I quote again:

After the representatives of the armed forces became acquainted with the technical experts of the different plants they contacted these experts directly without using the services of the Vermittlungsstelle W."

Your Honor, that's a convenient breaking off point and Mr. Jan Charnetz will continue either now or after the recess.

THE PRESIDENT: Well, we are almost at the time of adjournment for lunch and the Tribunal will rise at this time until one thirty.

(a recess was taken)

AFTERNOON SESSION

THE MARSHAL: The Tribunal is again in session.

MR. SPRECHER: Your Honor, this morning we presented an affidavit by Dr. Hans Wagner. That was Document NL-8923 which went in as Prosecution Exhibit 142. At this time the prosecution would like to give notice of the intention of calling Dr. Hans Wagner as a witness at the conclusion of the material which we are putting in evidence concerning Count I-B. That is the Count principally dealing with the synchronization of the activities between Farben and the Wehrmacht. A formal notice will be served in the appropriate way this afternoon. Now, there will be a number of other affidavits by Dr. Wagner which will be introduced in the course of the next day or so. We propose that Dr. Wagner should only be examined in connection with matters raised in these affidavits. The presentation of the material will be continued by Mr. John Charmatz.

MR. CHARMATZ: May it please the Tribunal, the documents which I am going to offer in evidence now are to cover principally but not exclusively the allegation made in Paragraph 20 of our indictment. We have seen before that I.G. Farben synchronized many of its activities with the Wehrmacht and now in the document which I am going to present here I hope we can prove that I.G. Farben kept its activities as secret as possible in order also in this respect to synchronize and do the same as the Wehrmacht and the Nazi regime did.

May I introduce as Prosecution Exhibit No. 143 the Document PS-2276 which your Honors will find in Document Book No. 6 on page 45 of the English Document Book and on pages 70 and 70-A of the German text. This document is an

excerpt from a book published in Germany in the year 1943 by the German Labor Front in Berlin and which has wide circulation. In this book Dr. Ley, the head of the German Labor Front who was a defendant in Case No. 1 before the IMT states as follows and I read from page 45 of the English Book No. 6:

"During the years from 1933 to 1939 everything necessary had been done in secrecy that seems necessary to the conservation of the nation in the anticipated clash with the envious surrounding world."

As is stated here by Dr. Ley in this book the Third Reich tried to keep secret from the world as much as possible their activities to build up their armament in anticipation of the clash. I hope, secondly, in the documents which I will offer now concern I.G. Farben that I.G. FARBEN also tried its best to keep all its activities as secret as possible with as little notice to foreign countries as possible.

The next document which I want to introduce as Prosecution Exhibit 144 is the Document EG-223 which your Honors will find on page 46 of the English text of the Document Book and on page 71 of the German document Book. This document as your Honors will note, comes from the files of the Military Economic Staff of the OKW, the High Command of the German Armed Forces, and also found in the year 1945 in the files of the so-called Feldwirtschaftsamt which succeeded the Military Economic Staff. These files were first captured and then screened by the American Forces and that is where this document comes from, namely, the files of the Feldwirtschaftsamt. This is a letter written by the Vermittlungsstelle W of I.G. Farben

on 9 July 1937 signed by Herr Dieckmann who was an official of the Vermittlungsstelle W. From this document which is addressed to the Reich War Ministry, the Feldwirtschaftsamt, (Military Economic Staff) we can see that even before the German War Ministry issued its ordinances on secrecy I.G. Farben on its own had issued certain directives to all of its staff and other agencies in order to keep important -- things which were important for the war production secret. May I read from Page 46 of the English Document Book, page 71 of the German Document Book? The text of the letter:

1. Inclosed please find:

"Directions for maintaining the secrecy of processes, patents and "know-how" of the chemical industry dated 4 December 1936.

2. "Instructions concerning intelligence in I.G. Farbenindustrie A.G. dated 12 March 1937."

I continue to quote:

"Both the enclosures were at the time sent to all I.G. Offices concerned, that is, works-management, department or laboratory chiefs, legal departments, patent departments, etc. all these departments have been advised to adhere to these instructions. The instructions themselves have been discussed and accepted at various times by the Military Economics Staff of the Reich War Ministry, Regierungsbaurat Lehmann, as well as by the intelligence Department of the Reich War Ministry, Col. Hencke."

May I point out furthermore, your Honors, this document which has the subject: "Re: Conference on Motor Fuel and Lubricants", shows that I.G. Farben submitted for the basis of

a discussion how to keep certain things secret, as you will see later on, already made directives on secrecy. It was not the War Ministry which gave I.G. Farben instructions how to make such directives. I.G. Farben did them and, of course, they discussed them with the Military Economic Staff and the Military Economic staff also accepted what I.G. Farben had done in order to keep all important technical work as secret as possible.

May I now read just one paragraph on page 47 of the English text, page 72 of the German text, where I. G. Farben states in the Enclosure #1 to which I just referred, I read the second paragraph:

"Up to date, it has been impossible to get official directives which specify the products, processes and installations to be kept secret in the field of the chemical industry. Up to now, the responsibility for the right procedure has been exclusively that the industry, which in case of doubt had to consult the Reich War Ministry."

As I pointed out before, the responsibility was I. G. Farben's. I. G. Farben made these directives.

I think the rest of this Enclosure #1 need not be quoted as it is perfectly clear.

I now only want to point out Enclosure #2 which you will find on page 48 of the English document book at the bottom, and page 77 of the German document book. This circular, or these directives, start as follows - I want to point out that this document is dated 12 March 1937 as is shown on page 46.

"The increasing cooperation of various I. G. offices with parts of the Wehrmacht and with other state organizations makes it necessary with a view to the intensified regulations of the law about treason, to refer to the following points:"

I think this first paragraph will support our basic thesis in this sub-count that the cooperation of I. G. Farben, as a whole, increased in importance ever since 1935 and 1936 as Your Honors have seen yesterday and before from, among others, the statement by the defendant Schnitzler. I do not want to quote too much of this document. I just want to point out the last sentence on page 49 that I. G. Farben pointed out to all of its offices that many of the things which were done by I. G. Farben had to be kept as state secrets even if there was no

specific order by the government to do so. The rest of the document, mostly the paragraphs III and IV, we will see developed to a greater extent in our later documents.

May I now introduce, or rather, offer in evidence, Exhibit 145, the Document NI 4979 which is a letter which was found in the files of one of the Farben departments in Berlin, the Department Batestik, which was a sales department for technical nitrogen, which announced, on the 2d of January 1936, to practically all Farben plants and sales agencies that, within the framework of the Vermittlungsstelle W, a special department A for intelligence was created. May I draw the attention of Your Honors to page 51A of the English document book, page 81 of the German text, which shows the distribution list. You will see that practically no important part of I. G. Farben is omitted in this distribution list. This letter went to several of the defendants in the dock, namely: Dr. Schneider, Dr. Oster, Dr. Hoerlein, Dr. von Schnitzler, W. R. Mann, Dr. von Knieriem and Brueggemann. This letter, which was known as it's even shown from this distribution list, to many of our defendants reads in paragraph 1 - you will find this, Your Honors, on page 51-B, paragraph 1 - I quote:

"In addition to the circulars concerning the creation of the Vermittlungsstelle W in Berlin, we inform you that we have annexed to this office a Section A for counter-intelligence matters (against espionage and sabotage). Mr. Morbeck is put in charge of this section."

May I just point out that, at this time, at the beginning of January, 1936, there was no order for I. G. Farben by the government to create such a section. What I. G. Farben did was that they themselves wanted to help to keep their work, which was so important for the preparation of the war, safe from any foreign intelligence and, if necessary, also from sabotage.

I want to point out once more, we speak of the year 1936, so I do not think that sabotage was quite widely discussed yet at that time.

May I offer now in evidence the next document, NI-4678, which is to become Exhibit #146. This document was found in the files of the I. G. Farben plant in Leverkusen in a folder marked "Vermittlungsstelle W". This document, which you will find on page 52 of the English document book and on page 86 and 87 of the German text, shows that, as early as February, 1936, the defendant Hans Kuehne, among others, declared to the Vermittlungsstelle W - may I quote now from the middle of this document:

"that they were aware of the need for secrecy and of the confidential nature of the questions under discussion,

"and that the measures termed as confidential will only be passed on by them to people designated for this purpose, ... that they

"will treat as secret all matters which are considered secret in accordance with Articles 88 and following (Treason) of the Reich Law Gazette, part I, No. 47, page 341 of the Reich Penal Code, and that they

"will ensure their safekeeping."

Now, this statement was given by the three gentlemen which signed this document, among them Dr. Kuehne, in order to give their assurance to the competent authorities which dealt with them, through the Vermittlungsstelle-W, that they would do everything to keep the preparation of the I. G. Farben in the armament field secret

The next document, which you will find on page 53 of the English document book, page 88 of the German text, which is NI 8466, likewise comes from the files of the sales department for technical nitrogen of I.G. Farben in Berlin. In this document, which is a circular letter issued by the Vermittlungsstelle-W, Department A,—the counter-intelligence department—this section points out that it is necessary to restrict all statistical publications in order not to disclose anything concerning Germany's armament to foreign countries. May I point out on page 53 of this document—I quote one paragraph:

"The contents of this decree coincide, in general, with the methods which have already been adopted throughout I.G."

I omitted, Your Honor, to point out that in this letter the Vermittlungsstelle-W transmitted the text of a letter of the Reich Chamber of Economics to the Farben offices, which letter again is based upon a decree contained in the Reich Law Gazette, of 2. April 1934. I only want to stress the point that here again Farben says that the contents of an official decree "coincide, in general, with the methods which have already been adopted throughout I.G."

Your Honors, I forgot to say that this NI document 8466 should be Exhibit #147.

May I introduce, as Prosecution Exhibit #148, the document NI 4679 which Your Honors will find on page 54 of the English document book and page 93 of the German document book. This document is a letter from Vermittlungsstelle-W, signed by Bruening, who we will hear was an official of the Vermittlungsstelle-W. Addressed again to practically all of I.G. Farben's plants and sales agencies. May I point out, Your Honors, on page 54, on the distribution list, you will find the names of the defendant Dr. Kuchno, in about the middle of the page. Further down, of

the defendant Dr. Jachno and on page 55, Dr. Oster, Dr. von Schnitzler, W.R. Mann, Dr. Krauch, Dr. Ter Meer, and Dr. Gajewski. This letter, which is dated 10 March 1937, at the time when we saw before with the Document Ec 223, I.G. Farben was not yet furnished by the governmental or Wehrmacht agencies with strict rules on secrecy, at that time the Vermittlungsstelle-W pointed out to all Farben plants, as we have seen of the distribution list that for the developmental work- May I point out, Your Honors, on page 56, the first sentence of the text of the document reads:

"Subsequent to research work..."

Now, I think the translation should read "development work" instead of research work" because that is the terminology which we use in the later documents.

Here, in this document, it is pointed out that, on the request of the Army Ordnance office, certain things should be kept particularly secret and that many of the agencies, or rather, officials of the agencies to which this document is addressed should be bound by pledge of secrecy.

I think we can omit the rest of the document for the time being, as it deals with other problems than we are concerned with right now.

May I offer in evidence as Prosecution Exhibit 149, the document MI 703, which is a letter addressed to the defendant Schnitz by one of Farben's subsidiaries in March-on the 9th of March, 1937-to sign a special pledge to keep for secrecy concerning everything he should learn about Wehrmacht orders in his capacity as Chairman of the Aufsichtsrat of this company which you will find on the letterhead on page 62 "German Colluloid Factory in Altonburg."

May I introduce, as Exhibit 150, Document MI 1164, which Your Honors will find on page 64 of the English document book

and which may be found on pages 104 and following of the German document book. The first part of this document, which consists of several letters signed by the defendant Kuchne, is a confidential memorandum dated 21 February 1936 on the subject of employment of foreigners. In this first letter, the defendant Kuchne points out, on the subject of the employment of foreigners, that the employment of foreigners in so called "war essential" plants and the employment of stateless persons should not happen without that the security service, the SD, should be informed in time so that, if necessary, an additional screening of the person can take place before hand and surveillance of the person after employment could be effected. I want to point out, Your Honors, that this, such a circular, was sent out in February, 1936.

On the same page we find a second confidential memorandum of the defendant Kuchne of the subject of visits of foreigners. Here it is pointed out, on page 65, under the heading: "1. Visits of foreigners", that such visits must always be approved by the Wehrmacht agency giving the order for armaments if these foreigners want to see part of the armament manufacture. At the end of (b), under heading 1, it is pointed out that these foreigners might have a chance to observe, I quote: "The explosion of plants serving armament purposes, or the transportation of Wehrmacht equipment within the plant." I think the rest of this document is self-explanatory and I do not want to take up your precious time.

The next document, which is HI 4985, which I want to mark as Prosecution Exhibit 151, is a circular from the Vermittlungsstelle-W, Department 4, the counter-intelligence department as we have seen before, which is addressed to, as you will see on page 68, to Director Rudolf Hanser or his deputy, Prokurist Grimm, Department Statistik.

May I point out , Your Honors, most of these documents that we find in this part of Document Book #6, as you have noticed already, come from the files of this nitrogen sales department. I think it might be appropriate to point out that these documents were handed over to the prosecution by a voluntary witness, namely Dr. Krueger, who will, no doubt, either take the stand as a witness of the prosecution or maybe also might be called by the defense, and that all these documents concerned with secrecy could not be found in the ordinary files of I.G. Farben although the prosecution tried its best to find the files which were concerned with secrecy in the present locations of the Farben documents. Only through the cooperation of a former Farben employee were we able to locate these documents.

In this document NI 4835, which deals with, as you will see on page 68, the announcement of, or authority for visits to the plants, we need not quote anything, since the document is self-explanatory.

Will you please note your Honor, on page 72,- and this is the English text. page 118 of the German text, that the Vermittlungsstelle w had prepared a special form for such authorization to visit plants. It always refers to visits by foreigners, and that the persons who conducted such visitors had to sign special pledges, as you Honors will see on pages 73 and 74 of the English Document book, which is pages 118 and 119 of the German document book.

May I point out once more that all of these precautions were taken in late April, 1937.

The next document, NI 8408, which your Honors will find on page 75 of the English Document Book, and on page 120 of the German Document Book, is again a document which we received from the files of the Sales Department Eatestik, through Dr. Krueger.

It was just brought to my attention that I did not mention that this document should be Prosecution's Exhibit 132. In this document, which is dated 16 July 1936, dealing with pledge to secrecy, issued by the Department A of Vermittlungsstelle w, it is pointed out to all Farben Agencies again,-and I want to point out that there is no list of distribution on this document, you will note your Honors that at the top of the document it says, "To", and there is no further text there, so we can assume that this was a general circular.

In this document it is pointed out that the competent, and I quote from the beginning of the document:

"The competent Reich authorities request that all those concerned with security matters in industry or those who are otherwise occupied on work which brings them into contact with such matters or matters which it is otherwise considered should be kept secret in the interest of security, should be pledged to secrecy in writing and informed of the penalties applicable in case of non-observance."

May I point out on page 75, the second paragraph from the bottom, where it states that the individuals who have to take this pledge,--I am sorry that is the "trustworthiness of these individuals" has to be established beyond a doubt, and that if necessary these people have to be screened by the State Police.

JUDGE MORRIS: Mr. Prosecutor, I think you are taking quite a lot of time on this matter of secrecy by going into detail. I doubt if we are greatly interested in just what particular measures were taken with regard to this secrecy. It is practically repetition here for an hour, with approximately the same type of evidence. I wonder if you need to take all of this time.

MR. CHARNATZ: Very well, Your Honor.

May I just keep the NI numbers of the documents, and the exhibit numbers NI 9912, found on page 77 should become Prosecution Exhibit 153, this document is such a pledge for secrecy, signed by the defendant Krauch. Further on, Document NI 1153, on page 79, which I want to offer as Prosecution's Exhibit 154, which is another circular of the Counter Intelligence Department of the Vermittlungsstelle W.

NI 4983, is Exhibit 155, which is another letter of Vermittlungsstelle W, Department A, secret, on pages 86, 87, and 88, you will find a letter signed by the defendant

Kuehne, on the security service.

The next document, which your Honors will find on page 84 of the English Document Book, page 148 of the German Text, is NI 1137, which I want to offer as Prosecution's Exhibit 156.

I think the document is self-explanatory.

The next document, - I am sorry your honor, the document is to be found on page 90 of the document book. May I point out, with regard to the document which I just offered in evidence, NI 1137, on page 90 of the Document Book, at the top of the page, your Honors will note that this memorandum is addressed also to the Legal Dept. of I.G. Farben Industry, of which the defendant von Knieriem was the chief.

The rest of the document as such, is self-explanatory.

The next document on page 94 of the English Document Book, page 153 of the German text, is NI 4977, which I offer in evidence as Prosecution's Exhibit 157. This document also comes from the Counter Intelligence Department of Vermittlungsstelle W, and deals with the subjects which were treated here before, namely, secrecy with regard to documents, - pledge of secrecy, - and then also, as your Honors will see, on page 96 of the English Document Book, page 154 of the German Document Book, with the so-called Abwehrbeauftragte, (Security offices). We will have to come back to this document at a later stage of the evidence, since at least two of our defendants were such Abwehrbeauftragte (Security officers).

The next document which you will find on page 104 of the English Document Book, page 164 of the German Document Book, NI 6382, which I want to offer as Prosecution's Exhibit 158, is an excerpt from the minutes of the Technical Management Meeting of 28 November, 1938.

May I draw your Honors attention to this short excerpt of this minute, where it says, and I quote:

"The appointment of foreigners must be avoided at all costs". I think the word, "appointment," is a mistranslation. I think it should be "employment", and I will check this and will give the information later, your Honors, if I may. It says in German, the, "Einstellung" which is, I think, the "employment".

MR. SPRECHER: A member of the defense counsel have pointed out, Your Honors, that it could be "engagement" or "appointment". I think with that explanation you will be able to carry on.

MR. CHARMATZ: The next document, NI 5686, which your Honors will find on page 105 of the Document book, is NI 5686

which I want to mark as Prosecution's Exhibit 159. May I be permitted your Honors to quote, very shortly, from this document?

This document is, - you will find this your Honors, on page 105 of the English text, and upon page 165 of the German text. This is a memorandum for the files dated 11 January, 1939, on chemical, - the subject of this memorandum is, "Chemical Warfare Agents" and in parenthesis, I quote the German, "(K-Stoffe). "Procedure as to Secret Correspondence".

May I point out that here in this memorandum it is discussed how secrecy can best be kept, with regard to chemical warfare agents, and this document points out that there is quite a considerable correspondence going on between I. G. Farben, and the OKH which is the Supreme Command of the German Army, concerning chemical warfare agents, in January, 1939.

I want to stress this date, as in our section on production we will see that many of our defendants denied that any important work on chemical warfare agents was carried on by I. G. Farben before the outbreak of the war.

The next document---

PRESIDENT: Counsel, pardon the interruption. We have been glancing ahead at the descriptions of the documents as contained in your index. Are we not correct in assuming that it is your contention that they all relate to this matter of secrecy, and intelligence and counter intelligence, and that your only concern now in showing the dates of the instruments, and the association of the instruments as to the defendants? Is that a correct assumption on the part of the Tribunal?

MR. CHARMATZ: I think so, your Honor.

PRESIDENT: Then it does occur to us that perhaps it would not be necessary. I think we know your purpose, and can see how we think that these matters are pertinent, and perhaps it would serve the purpose if you would merely identify and introduce the succeeding six documents.

MR. CHARMATZ: Very well, your Honor.

The next five documents, - the 6th document will be presented by Mr. Sprecher, Are NI 4981, which I offer in evidence as Exhibit 160, which is another letter by the Vermittlungsstelle W, Counter Intelligence Department, Furthermore, Document NI 6147, page 113 of the English Document Book, which I offer as Exhibit 161, NI 4978 on page 115, which I offer as Prosecution's Exhibit 162, NI 2883, Page 116, Prosecution's Exhibit 163.

May I just point out, your Honors, on page 116 of the English Document Book, there was a mistake as regards to the pagination. 116 being page 1 of the document is correct, but in some copies of the English document book, page 2 was missing. May I inquire whether page 117, which is actually page 2 of the mimeographed copy of this document, is in your books?

PRESIDENT: It is correct in all of our copies.

MR. CHARMATZ: In one of our copies it was not correct. The last document is NI 6658, which is an affidavit of the defendant von Der Heyde, which I want to offer as Exhibit 164 of the Prosecution.

DR. HOFFMANN, for defendant von Der Heyde: Mr. President, May I point out, --may I draw your attention to the date of this affidavit? This affidavit was signed on the 1st day of May, 1947. That was the first time that the defendant von Der Heyde was interrogated. The indictment was served on the 5th of May, 1947. The defendant was interrogated once more on the 2nd or 3rd of May, in order to have him sign another affidavit. On both of these occasions he was not told that an indictment was to be served against him, and that the testimony he was giving could incriminate him.

The indictment devotes a number of pages, -- the indictment has a number of pages, -- I think 50 or 70, and it is to be assumed that the indictment was already available at the

time the defendant was interrogated. It is my opinion that under those circumstances, he should have been told that an indictment was in existence, and for this reason I raise a formal objection against the submission of this document.

PRESIDENT: Does the prosecution wish to make any comment on this objection?

MR. SPRECHER: May it please your Honors, the indictment is really not in existence by any rule we know of, until the time when it is formally filed in the appropriate way with the authority that exists for receiving such an indictment. Thus, manifestly, it would be unfair to indicate the existence of such an indictment, if such an indictment did exist, to this particular defendant as against any other defendant or anybody else, in the rest of the world.

I think it raises a basic question against the question of admissions received before indictments are filed, and that there is nothing new in the point that Dr. Hoffmann now makes.

DR. HOFFMANN: Mr. President, may I make another brief statement?

The prosecutor did not define his attitude towards my assumption, whether or not the indictment was ready at that time. We have to be clear about the fact that there was an indictment against him, and that there is an obligation to tell the defendant that he may testify can be held against him. There is a marked difference there, and this is why I object.

PRESIDENT: The Tribunal is not mindful of any exception to the rule that the voluntary statement of a defendant may be used against him. Certainly no exception to the effect that he has been or is about to be indicted constitutes any such exception.

If counsel subsequently feels that he can submit any authority that might be calculated to induce the Tribunal to change

its ruling, we would be very glad to have you hand up or send up a memorandum that we can consider, without taking up the time of the trial, but as we are presently advised, we are inclined to the view that this objection is not valid, and the objection will be overruled.

MR. SPROCKER: The documents which Mr. Charantz has laid before your Honors have had reference basically to paragraph 20 of the indictment in their Count 1-B. I would like to put in a very few documents in connection with paragraph 21 of the indictment. NI-5694 is found on page 125 of the English document book and page 201 of the German. I would like to have that go in evidence as prosecution exhibit 165. The document, your Honors will note, is an appendix to certain notes of the 43rd conference of the Patent Commission. The Patent Commission was under the direction of the defendant von Knieriem.

The question which is taken up, is, as one can imagine, a rather complicated question in a situation where a private company was doing so much research for the military authorities and in the course of that research making discoveries which might have important value if patented and yet if patented under normal procedures would be made known to certain other people.

I shall try to summarize briefly what happens in this conference, the number of lawyers and raised points; and the defendant von Knieriem finally requests that the Vermittlungsstelle-W, which is dealing with secret matters to a very large extent, make a survey in order to find out what the practice of I. G. Farben has been up to now, and finally he suggests that the Vermittlungsstelle-W inform the patent department. That is over on page 131 of the English near the end of the document.

Now, the Patent Department of I. G. Farben was also under the defendant von Knieriem and he wanted the Patent Department to be informed of all the fields in which there was a cooperation with the Wehrmacht where patents requested come into question and that the Patent Departments of the various plants should then submit to the Vermittlungsstelle-W all patent applications pertaining to these fields; and then on a little farther, upon the defendant von Knieriem's suggestion, the Patent Commission resolved that Vermittlungsstelle-W should make a formal report and that the matter would be taken up at the next meeting of the Legal Committee.

We now pass to Document NI-4669 found in the next document book, your Honors -- Document Book VII, page 1 of the English and page 2 of the German. I would like to mark this document in evidence as Prosecution Exhibit 166.

Now I first like to note that this is the study of Vermittlungsstelle-W, as the title indicates, which was made in June 1939, the first copy sent to defendant von Knieriem; and if you turn over to page 2 we find copies going to the Legal Departments of some of the main plants, normally the plant which was the headquarters of the whole works combine and which works combine would perform certain administrative and central functions for all the plants in that area and then we see copies going to the three Sparte leaders, all of whom are defendants here Krauch, ter Meer and Gajowski.

Turning over to 5-A of the English which will be page 5 and 6 of the German document book, I would like to quote one section with your permission and I have only one other section in this document which is rather long and I think deserves special quoting.

Starting at the middle of the page I:

"Origin of the orders to carry out developmental work.

"In the past few years, developmental and experimental work in the I.G. plants, carried out at the order of the Wehrmacht or in conjunction with Wehrmacht departments, has assumed increasingly larger proportions. This is traceable on the one hand to the fact that the Wehrmacht is being confronted by an ever-increasing number of problems of a technical or chemical nature, which the engineers and analytical chemists of the Wehrmacht departments cannot tackle with the equipment at their disposal in their own research stations, and on the other hand, to the fact that the Wehrmacht has become, directly or indirectly, a wholesale customer and buyer of I.G. products on an ever-increasing scale, and that a considerable number of problems have arisen from this supplier-buyer relationship between Wehrmacht and I.G."

Now, the next paragraph I would like to particularly emphasize: While 3 or 4 years ago only isolated sections within the I.G. were engaged on work concerning Wehrmacht problems, at present there is experimental work in progress in almost all major I.G. plants, which is being carried on either directly at the order of the Wehrmacht or in which the Wehrmacht is taking an active part either due to the particular nature of the problems in question or through providing experts to participate in the work."

We submit, your Honors, that this is rather direct proof of synchronization and close collaboration in very basic and fundamental matters relating to preparation.

Now, over on 5F of the English and between pages 12 and 114 of the German document book, there is one passage I would like to quote and then make one brief observation. It is in the paragraph at the bottom of the page:

"The Supreme Command of the Army Military Economic Staff has frequently pointed out in discussions with respect to the necessity of keeping patent applications of I.G. secret -- whether or not these patents resulted from the joint experimental work of the I.G. with Army officers or from I.G.'s own initiative -- that the Army is prepared to indemnify and underwrite any damages arising from this enforced secrecy or arising from the fact that these patents cannot be exploited."

I think this indicates a certain solicitude by the Army in maintaining the good will of I. G. Farben and I think it indicates on the whole that the Army recognized that it couldn't expect I. G. Farben very well to do some of these things without being rewarded because the stakes were very high.

The next document is NI-6193. It is found at page 6 of the English and page 21 of the German document book. I would like to mark that in evidence as Prosecution Exhibit 167. This, your Honors, is an example of a contract which I. G. Farben made with the Wehrmacht in connection with

transferring a patent to the Wehrmacht so that it could register it secretly and so that the normal rules concerning patent registration would not apply.

Y You will notice over on page 7 that I. G. Farben managed to get a clause into the contract so that if it could use the patents in such a way for peaceful purposes or for other purposes than the Wehrmacht had in mind without revealing the information to third parties it was entitled to do so.

The next document is NI-1082 and I would like to mark that in evidence as Prosecution Exhibit 168. This is another contract between the German Reich -- by the Reich Ministry for Aviation and I. G. Farben, concerning the transfer of another patent application which the Reich Air Ministry would then hold as a trustee for Farben and the patent concerned "Incendiary composition for incendiary substances with a thermite base."

Now, the last document which we propose to introduce at this time on the subject coming out of paragraph 21 of indictment is Document NI-8922, found at page 10 of the English document book and page 25 of the German. I would like to mark this in evidence as prosecution exhibit 169. This is another affidavit by Dr. Wagner whom we propose to call and I think it would be superfluous for us to make a comment further concerning it now.

Your Honors, Mr. Charnatz will continue with some of the material bearing on paragraph 22 of the indictment.

THE PRESIDENT: The Tribunal will rise for its usual recess at this time.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

MR. CHARMAZ: May it please the Tribunal, the next thirteen documents which we find in Document Book No. VII cover partly the allegation of paragraph 22 of our Indictment, Document NI-8461 which you will find on page 14 of the English text, Your Honors; and on page 31 of the German text and which I want to offer in evidence as Exhibit 170 is a report signed by the defendant, Kuehne, as you will note, Your Honors, on page 18, and covers a conference of Betriebsfuehrer, plant leaders, on 21 April 1933 at Leverkusen. The document which begins on page 14 states, and may I quote just the first paragraph:

"First, Kuehne expressed his pleasure at the fact that we again have a government which puts duty and work foremost, wants to avoid interference in private enterprise and wants to bring manual and white collar workers closer together. He asked everyone to work in this spirit for the welfare of Germany and of the firm."

On the next page of this document, page 15 of your document, your Honors, in the second paragraph you will note, Your Honors, that one of the participants of the conference pointed out that gas masks had been issued to a large part of the employees and this was on the 21st of April, 1933. The document, furthermore, describes in great detail the measures which were taken with regard to air raid precautions. I think it is not necessary to quote anything on the measures taken.

May I point out, Your Honors, the expression of the title of this report, Betriebsfuehrer, is not the same as it is usually used here because "Betriebsfuehrer" otherwise in the Indictment is a technical term of the legislation of the Third Reich according to their labor laws. Those here apparently are the men in charge of certain parts of the plants. That is why we put the German in here.

The next document which Your Honors will find on page 19 is NI-8465 which I want to offer as Prosecution 171. This document which is the

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minutes of the meeting of the engineering committee of 30 May 1933 at the Louna Works, as is shown on page 20, shows that the engineering committee already on 30 May 1933 recommended a joint discussion of the air raid chiefs of I.G. Farben.

May I point out, furthermore, that this document is signed by the defendant Jachne, on page 20 and that page 19 which shows the distribution list of these minutes gives the names of five more of our defendants, namely, Kuehne, Tor Ibor, Kraych, Hoerlein and Gajewski.

The next document, NI-6973, which is to be found on page 21 of the English document book and page 40 in the German document book also is the minutes of a meeting of I.G. Farben in Hoechst on 6 July 1933. The subject of this meeting is also "Industrial Air Raid Precautions". This document I want to offer as Exhibit 172. This document shows on page 21 the importance which was attached to these measures by the Reich Air Ministry as you will see by paragraph 1 of this document. Under No. 2 it shows that also the Army Ordnance Office considered these air precautions necessary and on page 21-a the viewpoint of the Reichswehr is given in this document.

May I quote on page 21-a the second paragraph, page 3 of the original. It says:

"In view of the fact that in case of war I.G. will have to guarantee a possibly even increased production, these statements of the highest authority indicate the necessity for I.G. to start carrying out industrial air raid precaution measures energetically. The people present cannot escape the conviction that in future the government will consider was industry workers as active soldiers in case of war."

The next document, Your Honors, on page 22 of the Document Book, English text, page 44 of the German text, is NI-5887 which I offer in evidence as Prosecution Exhibit 173. This document is an excerpt from minutes of the meeting of the technical committee, the so-called "TEA"

of I.G. Farben stating that -- I quote just one sentence:

"The first organized industrial air raid precaution measures desired by the authorities have been taken in the I.G. works."

I just want to point out that the date of this meeting is 18 July 1933.

The next document on page 23 of the English document book, Your Honors, NI-4838, I want to offer as Prosecution Exhibit 174. This document contains again minutes of the engineering committee of I.G. Farben held on 14 September 1933, and the question of financing these air raid measures was discussed there with the defendant, Jachno, present as you will note, Your Honors, on page 24 and these minutes were distributed again to several of the Vorstand members who were members of the Technical committee as you will see from page 23, the distribution list, amongst them Dr. Kuchno, Dr. Tor Meer, Dr. Krauch, Professor Hoerlein and Dr. Gajowski.

On page 26 of the English document book Your Honors will find the document NI-8462 which I want to mark Prosecution Exhibit 175. This document is another minutes of the -- I am sorry, Your Honors -- is the minutes of the senior engineers meeting -- we did not have the minutes of this board yet -- also discussing air raid protection, and I do not want to add anything to this document.

On page 28 you will find NI-5871 which I want to mark Prosecution Exhibit 176. These are minutes again of the meeting of the Vorstand at Hoechst. This again -- I think it was pointed out before -- is not the full Vorstand but the management of the Hoechst plant with the Vorstand members present which worked in Hoechst, Dr. Hermann, Lautenschlaeger, Jachno -- Dr. Hermann a deceased Vorstand member.

On page 29 of the document book we find Document NI-5884 which I mark Prosecution Exhibit 177 with Your Honors' permission, again minutes of the meeting of the Vorstand in Hoechst, and this covers the

same subject as was already discussed in our Exhibit No. 89 which was introduced before, namely, certain indoctrination courses together with aircraft anti-air raid precautions.

On page 30 Your Honors will find the document NI-4841 which I want to offer as Prosecution Exhibit 178. This document is the transcript of a meeting of the engineering committee of 20 and 21 of September, 1934. On page 30 Your Honors will see the distribution list which again shows the members of the technical committee; among them are defendants Kuchne, Ter Moor, Kneuh, Hoerlein, Gajewski, and may I just quote one sentence from this document on page 31. It says:

"The air raid precautions which it has been requested be taken at the I.G. works are so vital for the plant and the factory that they will have to be discussed with the central Offices of the Reich."

The next document on page 32 of the English Document Book, page 59 of the German document book, is NI-4451 which I want to mark Prosecution Exhibit 179. This is the transcript of a meeting of another important board of I.G. Farben, namely, the Main Group II, "Hauptgruppe II", again dealing with air raid precaution questions. The date is 27 September 1934.

On page 33 Your Honors will find the document NI-6298 which I want to offer as Prosecution Exhibit 180. The document is to be found on page 60 of the German document book.

This document is the transcript of a meeting of the technical directors held at Ludwigshaven on 12 April 1938. It shows that certain training courses had been completed by a large number of I.G. Farben employees.

The next document, may I point out, Your Honors, on page 33, the date at the top of the page should read 19 April, 1938. On page 35 of the English document book, page 62 of the German, your Honors will find NI-6297 which I want to offer in evidence as Prosecution Exhibit 181. The transcript of a meeting of the technical management at Ludwigshaven on 27 September, 1938, which again discusses the general problems of air raid shelters for all of the employees have been completed.

The last document which covers the subject of air raid precautions is NI-7768; which Your Honors will find on page 37 of the document book, English text; and which is to be found on page 65; and following, of the German text. This document is an affidavit by Dr. Hans Wagner. Dr. Wagner will be called as a witness of the Prosecution. I would just like to point out that in this document Dr. Wagner only summarizes certain excerpts from minutes of meetings of I.G. Farben, and I therefore want to offer it in evidence. This document, 7768, I want to offer as Prosecution Exhibit 182. It only contains, as Your Honors will see, excerpts from documents which would be rather lengthy if we would try to introduce them in their entirety.

Mr. Sprecher will now continue, with Your Honors' permission.

MR. SPRECHER: In paragraph 22 of the indictment, second sentence, it states that "in 1935 the Vermittlungsstelle-W supervised Kriegsspiele, or war games, to determine the effect of bombing on certain factories and the speed of replacement, and to train the Luftwaffe in precision bombing."

We have a few documents which we would like to put in connection with that charge at the present time.

The first document is NI-5881 which will become Prosecution Exhibit

183, and it is found at page 38 of the English and page 75 of the German document books. This is an extract from the minutes of a meeting of technical directors in the Frankfurt Hoechst Plant on the 9th of March, 1936, at which were present the defendants Lautenschlaeger, and Jaehne. It is noted, at page four of the original of that document, that "an exercise at Leuna has shown the apparent efficacy of the works defense system."

The next document is 41-5888 which may go in as Prosecution Exhibit 184. This again is a very brief extract from the minutes of the management and technical directors at the Farben Hoechst Plant on the 8th of June, 1936 at which meeting the defendants Lautenschlaeger and Jaehne were present. It is indicated that a brief report on this was made by one of the persons present concerning a visit of the military inspectors to the Ludwigshaven plant, and the plan exercised (Planspiel) which took place on this occasion.

The Prosecution wants to be very frank about this word "Planspiel". I think in many cases it is used interchangeably with "Kriegsspiel" -- meaning war game; and Planspiel might mean a map exercise or could just mean a game of planning. But we think in the context with which these map exercises were being conducted that it is fair to translate Planspiel as Kriegsspiel. However, that is merely our point of view.

The next document is 41-4624 which we would like to mark as Prosecution Exhibit 185. It is found at page 40 of the English and page 77 of the German document book. This is a letter from Dr. Bruening, who is the principle representative of Sparte A-2 in Vermittlungsstelle-W to the defendant Kuehne; and it is dated the second of November, 1936. Bruening notes that there has been a little difficulty in arranging a war games at Leverkusen, the reason being that the then Col. Thomas-- later the famous General Thomas--who is the head of the Wehrwirtschaftsstab, the War Economy Office, would not be able to be present at the time which had been originally planned, and he would come himself with

his assistants at a later date.

Now, the next document, WI-4619, is already in evidence as Prosecution Exhibit 103. Your Honors, Mr. Achan already made reference to this document yesterday. I only wanted to point out that the preparatory exercise and the attached timetable indicated that the defendant Kuehne played a fairly important role, making the speech of reception and the final address on the first day, and that on the second day there was to have been a talk winding up the planned exercise by the Defendant ter Meer, and also a final address by the Defendant Kuehne.

Now, it is not exactly clear to the Prosecution what the address that follows is, very frankly. We don't know whether that was a part of the planned exercise where these various gentlemen were all to read off certain things, or whether these are the minutes of the little war game they had, as they actually occurred.

In any event, we think the material incriminating whether or not the text was something which was planned to be read or whether it was the protocol or the minutes of what actually did transpire. It seemed to us that it probably was a protocol of what did transpire.

The next document is NI-4628 which we would like to have marked in evidence as Prosecution Exhibit 186. I think this document bears a certain amount of emphasis. It is from Vermittlungsstelle-W; the date is the 27th of January 1937, it is from Bruening, the head of Sparte 2 inside the Vermittlungsstelle-W; and it is addressed--this particular copy of the letter--to Leverkusen Plant one of the joint Farben plants.

Bruening asks for copies of the stenographic notes taken during the discussion of the tactical exercises which had transpired, and that is another reason why we think perhaps that the record we refer to just previously was the actual record of what transpired.

In any event, Bruening asks for a copy--and then he goes on to ask for a list of the individual departments of Leverkusen, and he wants them categorized in a certain way: "L. Plants which must be on a full production basis in the A-Fall (in the case of war); plants which will only operate on a limited scale; and plants of which it can be seen even now that they will not run at all during the war."

With respect to the next document, EC-174, there is a note in the Index which states "To be revised". That is a typographical error which was perpetuated. It was necessary to have certain parts of the translation then existing be copied over, and I want to be perfectly frank about that particular entry. I have been asked to repeat the last sentence. It did not come through.

(Repeats) Your Honors, I would like to call your attention to the entry in the Index concerning the document EC-174. Thereafter, there is noted, in parenthesis, the remark (To be revised). That remark should have come out as soon as the translation, the copy of the translation, was properly corrected. I merely wanted to be perfectly frank as to

what that entry meant and how it got there.

2C-174 should go in as Prosecution Exhibit 187. Now, this document shows quotations from a speech of Col Thomas at a meeting of the General Staff in Godesberg on the 25th of May to the 2nd of June, in the year 1937. It bears on some of the military-economic problems with which Col. Thomas was particularly concerned on behalf of the General Staff, and I would like to have you turn to page 60-A which, in the German is on page 107.

Thomas, after noting that General Keitel by his presence indicated his belief in the importance in the work of the War Economic Office of the Army, which of course was dealing with these economic preparations. And then there comes the paragraph: "The military-Economic maneuver which has taken place here during the past three days is the first undertaking of its kind. In preparing this maneuver we were fully aware that such an enterprise was a risky undertaking in view of the fact that all precedents and experiences were lacking."

Now, whatever lack in experience the Wehrwirtschaftsstab had itself in connection with these tactical exercises involving the economic aspects of war preparations and the incidents which should be incidental to war by this time in 1937, I.G. Farben had already engaged in such exercises, and representatives of the Wehrwirtschaftsstab had been present, as the previous documents have shown.

Now, the next document takes us into the year 1938. It is NI-6377. It is found at page 61 of the English and page 108 of the German document book, and we would like to have that marked in evidence as Prosecution Exhibit 188. This document is the minutes of the technical conference in Frankfurt on the 19 of September, 1938.

The defendants Lautenschlaeger and Jaehne were present, and Lautenschlaeger signed the minutes. In the third paragraph it is merely noted that on the 26th of September a military - economic exercises is scheduled to take place. The directives, as far as they will have to

come to hand, will be made known.

I merely point out that at the management conferences at the plant level these questions of military games involving economic problems, the problems which would come out of the occurrence of Case "A" were being talked of quite freely.

The next document is NI-6378, to be marked in evidence as Prosecution Exhibit 189, are again minutes from the technical management meeting in Hoechst on the third of October 1938; again the defendants Lautenschlaeger and Jaehne were present. A rather interesting note: the war games and the tests which were being made were having a certain amount of practical results with respect to what Farben was doing itself. Referring to the main factory: "That part of the factory behind the water works which is particularly vulnerable to air attack owing to the fact that both supply lines pass within a few meters of one another should be spread out over a larger area."

At the bottom of the page, reference is made to air raid precaution at another plant.

The next document, NI-8926 may go in as Prosecution Exhibit 190. This is another affidavit by Dr. Hans Wagner, who will appear shortly in this courtroom as a witness, and we will make no further reference to the document at this time.

Would Your Honors now turn to Document Book 8?

THE PRESIDENT: Here you will have to bear with us temporarily because our document books 8 are in our offices.

THE PRESIDENT: You may proceed.

MR. SPRECHER: The first document in Book 8 is found at page 1 of both the English and the German Document Books and is Document NI-68307. I would like to mark it as --

THE PRESIDENT: What I think you meant to say was 8637.

MR. SPRECHER: I beg your pardon; 8637. That has already gone in evidence as Prosecution Exhibit 28. Now, in this interrogation of the defendant Bueterfisch there's a certain description of the proceedings that were carried out in some of the war games or exercises, as you may choose, and an indication that the matter was considered quite important and that General Milch himself attended some of these war games. Now, your Honor, the next sentence in Paragraph 22 of the indictment reads as follows:

"The Vermittlungsstelle W also acted as intermediary between Farben and the Government in the preparation of mobilization plans for Farben's plants. These plans set forth the production programs which each factory could undertake in the event of war. They were discussed in the Vorstand and instructions were issued to every Farben plant to prepare and deliver production plans of the Vermittlungsstelle W by submitting them -- " -- I think that should be to the Vermittlungsstelle W -- which submitted them to the Ministry of War and Economics. Farben's preparations for economic mobilization were so well developed that the military authorities used them as a basis for general war mobilization plans."

I read because it is obviously a most important allegation in our indictment and we shall present a rather large number of documents which will principally support that particular allegation and Mr. Charnatz will continue with

the first documents in connection with that charge.

MR. CHARMATZ: May it please the Tribunal, the first document dealing with the question of the mobilization plans is Document NL-5880 which your Honors will find on page 10 of the Document Book, page 2 of the German text which I want to mark Prosecution Exhibit 191. This document is an extract of the Minutes of the meetings of the Vorstand and Technical Directors of Frankfurt Main-Hoechst on 24 February 1936 and with the defendant Lautenschlaeger present. In this meeting the defendant Lautenschlaeger submits a list and I quote:

"Of those products which are to be produced in Gers-
thofen -- "a Farben plant -- "in the event of war."

The next document which Your Honors will find on page 11 of the English Document Book, page 3 of the German Document Book is NL-7475 which I want to offer as Prosecution Exhibit 192. This document which was found in I.G. Farben's files is the carbon copy of a letter of Farben addressed to a high Official of the Army Ordnance Office and deals with the question that certain products cannot be counted on in the "A-Fall", again the case of war. Again on 21 October 1936 already we find a discussion of what will happen in case of war.

The next document NI-8609 can be found on page 12 of the English Document Book, page 4 of the German version and I want to offer this document NI-8609 as Prosecutions Exhibit 193. This document is the Minutes of a conference of Farben's specialists in the field of preparation for mobilization on 12 March 1937. This conference shows that certain topics which were important in case of mobilization as raw materials, auxiliary materials, transportation, were

discussed in the presence of a representative of the Vermittlungsstelle W, Mr. Neumann. I think the document as such is self-explanatory.

The next document which you will find on page 15 of the English Document Book, page 9 of the German Document Book, is a letter of the Vermittlungsstelle W signed by Bruening, the representative of Sparte II of the Vermittlungsstelle W to I.G. Farben Leverkusen and the subject is planning of Leverkusen. The text of this letter which is marked NI-4631 and which I want to offer as 194, Prosecution Exhibit, shows that already in April 1937 there were discussions between -- I refer to the last paragraph on page 15 mostly -- there were discussions between I.G. Farben officials of various plants and the military authorities concerned with mobilization as well as representatives of the Ministry of Economics, the Ministry of Labor and a representative of the Airraid Precaution Service.

On page 16 we find that the defendant Kuehne again was present. I refer to number 1 in about the middle of page 16, your Honors.

The next document NI-8608 which I want to mark as Prosecution Exhibit 195 can be found on page 17 of the English Document Book, page 12 of the German Document Book. This is a letter of the Vermittlungsstelle W signed Gorr on page 18 of the Document Book, your Honors. The signature should not read Goss but Gorr. This letter dated 23 March 1937 which was sent out to the four so-called "Works Combines of I.G. Farben" and also to other important plants and I want to point out that it also went to the Dynamit A.G., formerly A. Nobel, which was a subsidiary of

I.G. Farben. This letter treated, as it is shown in the text and I read:

"Subject: Industrial Mobilization Tasks of I.G. Plants.

I think the text of the letter is self-explanatory. It's perfectly clear. The next document on page 19 of the Document Book, page 15 of the German text is NL-8607 which I want to offer in evidence as Prosecution Exhibit 196. This letter comes from I.G. Farbenindustrie, Elberfeld Plant and is dated only a month later than the preceding exhibit, namely, 27 April 1937 and shows that the plants communicated with the -- I am sorry, with Dr. von Bruening, who in Hoechst was in charge of the mobilization questions on the conferences which were to take place on questions of mobilization. I want to point out that on line three of the text of this letter it is mentioned that Professor Hoerlein, the defendant Hoerlein, was consulted in this matter.

The next document NL-4632 which your Honors will find on page 21 of your Document Book, page 16 of the German text, is a circular letter of the Vermittlungsstelle W addressed to all important plants of I.G. Farben as shown on pages 21 and 22 which contains the distribution lists. As addressees of this letter, your Honors will note on page 21 "Dr. Schneider", "Prof. Hoerlein" -- I am sorry, that's all of the defendants which appear on this distribution list. The letter is also addressed to the attention of the defendant Jachne, it was just pointed out to me. The subject of this letter again is the mobilization planning tasks and this letter again in 1937 deals with all the problems which are necessary for a successful mobilization of the I.G. Farben plants in case of war. I want to introduce

this document 4632 as Prosecution Exhibit 197, if your Honor please.

MR. SPRECHER: If you will excuse the interruption? It's just been pointed out to me by defense counsel that the prosecution made a mistake. The Dr. Schneider referred to on this distribution list is not the defendant Schneider referred to on this distribution list is not the defendant Schneider but rather another Dr. Schneider who was in charge of a different plant, not the Leuna plant and I think that it's well that that is pointed out immediately.

MR. CHAMATZ: The next document, your Honors, on page 25 of the English Document Book is NI-8777; a file note dated 30 November 1937 signed by Dr. Eichwede. We introduced an affidavit this morning by Dr. Eichwede, which again deals with a meeting of the so-called mobilization leaders of several I.G. Farben plants, among them Leverkusen, Ludwigshafen and Hoechst, as it will be seen on page 25 of the English Document Book. The Exhibit Number for this should read 19 8, with your Honors' permission.

THE PRESIDENT: We have reached the hour of adjournment and the Tribunal will now recess until nine thirty tomorrow morning.

(A recess was taken until 0930, 4 September 1947)

Official Transcript of the American Military Tribunal in the matter of the United States of America, against Carl Krauch, et al, defendants, sitting at Nurnberg, Germany, on 4 September 1947, 0930-1630, Justice Shake, presiding.

THE MARSHAL: Persons in the court room please find their seats.

The Honorable Judges of Military Tribunal VI.

Military Tribunal VI is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the court.

THE PRESIDENT: Marshal, are all the defendants present?

THE MARSHAL: May it please your Honors all defendants are present except Schmitz, Wurster, and Brueggemann, who are absent due to illness.

THE PRESIDENT: The Tribunal has in its possession two applications from defense counsel for approval of summons for witnesses. It may be recalled that at a prior session of the Tribunal we had some discussion of that matter. We are most anxious not to be derelict in the matter of acting on those subjects and as we remember the record there was to have been a conference or an informal consideration of the problem between counsel for the prosecution and the defense. If you gentlemen have discussed that matter and come to conclusion we would very much appreciate being advised so that we may dispose of those matters without undue delay. Has there been any such consideration of the subject between counsel?

MR. SPRECHER: May it please the Tribunal, on this strict question of these particular witnesses that have been requested for subpoena I don't believe there has been a discussion. It just hasn't come up. But, we will certainly follow your suggestion and I will attempt to get together with Dr. Goettcher and any of the other defense counsel concerned

on that point very shortly.

THE PRESIDENT: Very well. The Prosecution may proceed with the presentation of its case. Pardon me, Dr. Boettcher.

DR. BOETTCHER: Mr. President, may I very briefly direct one request to the Tribunal jointly with the gentlemen of the Prosecution. We should like to ask the Tribunal to be kind enough to give us an opportunity in a larger recess to receive us in a joint talk or conference, that is, the Prosecution and certain people from the defense.

THE PRESIDENT: Do you desire that that be afforded you today at our morning recess? Would you be ready to present the matter?

DR. BOETTCHER: Yes, we should be very grateful if that should be done this morning.

THE PRESIDENT: We will hear you at Chambers in the morning recess and take whatever time necessary to consider the matter.

MR. CHARMATZ: May it please the Tribunal, at the end of yesterday's session I introduced on page 25 of the English Document Book, Document NI 8777, as Exhibit 198.

THE PRESIDENT: Document Book VIII?

MR. CHARMATZ: Document Book VIII your Honor, I'm sorry, on page 25 of the English text, page 20 of the German text. May I just point out to your Honors that in this file note the defendant ter Meer is mentioned and if you will please note at the end of the second paragraph on page 25 you will find a sentence saying that Dr. ter Meer had made a suggestion to transfer the industry to another place. Apparently in connection with these mobilization plans it was discussed to transfer certain plants of I.G. Farben to a safer place and we will see from other documents that ample discussion went on to

transfer most of the plants to central Germany.

The next document which your Honors will find on page 27 of the English Document Book, page 23 of the German Document Book, NI 8776 which I want to offer as Prosecution Exhibit 199. This document which is a letter from the Vermittlungsstelle W signed by Dr. Dieckmann on 7 December 1937 deals with, as the subject explains, "Planning of the Sales Departments to meet mobilization requirements."

The second sentence of this letter shows that not only the production plans of I.G. Farben and the departments which were immediately connected with the production prepared for mobilization but that also other agencies, as the sales agencies, prepared for mobilization, that is, for war. May I point out on page 28 of this document before the insert, page 3 of the original, it says in the line above, "for the industrial mobilization of I.G." this should read, "economic mobilization" your Honors. As your Honors will see from this document, on page 28, second paragraph, also the Sales Departments as the one under the defendant Dr. Oster discussed such mobilization questions, that is, preparation for war. Now, the fourth paragraph, your Honors, on page 28, shows that the defendant Battineau also tried together with a certain Dr. Noack, to set up a special mechanism for mobilization in the commercial field. In the last paragraph on page 28 your Honors will note that the defendant Dr. Krauch was consulted even on this matter which concerned only the commercial field, apparently because he was considered the man who had the authority in all such questions.

The next document which your Honors will find on page 30 of the English Document Book, page 30 of the German text, is NI 9051 which I would like to offer in evidence as Prosecution Exhibit 200. This document is an affidavit of Dr.

Helmut Noack, the same Dr. Noack who is mentioned in the document before. This rather lengthy document gives a very good description of all the mobilization measures taken in Germany in general and by I.G. Farben in the commercial field. Up to now we were mostly concerned with mobilization of production. I mentioned before that the defendant Gattineau tried to set up a special organization for mobilization in the commercial field. This can be found again here in this affidavit of Gattineau on page 13 of the English Document Book, of Noack, page 3 of the original, where it says that Dr. Gattineau saw in the treatment of military economic tasks the possibility of strengthening his influence and his position in NW 7 which is the Berlin office of I.G. Farben. On page c of this document, 30c, I'm sorry your Honor, these pages are marked with letters, - at the bottom of the page, you will find several sentences where Noack gives his own opinion on the German preparation for war which were not solicited by the Prosecution which, however, when Dr. Noack was asked to give us his views he wrote down himself. On page d of this document which is 30i in the German text at the bottom of the page, Dr. Noack points out that the defendant Krauch acted as a general expert of the Wehrmacht on armament questions. The next document which your Honors will find in page 31 of the English Document Book, page 31 of the German Document Book, is NI 883 which I want to offer as Prosecution Exhibit 201. I'm sorry, your Honors, the correct NI number is 8833.

This document was found in the files of the Reichsstelle Chemie, the Reich office of Chemistry and this document is the minutes, as your Honors will see on page 31, of a consultation on 14 December 1937 at the Reich War Ministry on the mobilization task of the I.G. Farben industry, the Knapsack plant in Case A. May I point out in the third paragraph of this

document where it reads "the consultation establishes for the Knepsack Plant for the I.G. Farben-industrie A.G. the Mobilization Task for Case 'A', that is, - I quote- the total war case in accordance with the mobilization Session of 13 December 1937."

May I point out your Honors in all the documents up to now we saw the expression, "Case A, Fall A," However, in the next two documents you will find not only Case A mentioned but also Case B. Case B will be explained in the next document your Honor.

The next document, NI 8503 which can be found on page 33 of the English Document Book, page 34 of the German Document Book, is NI 8503 which I offer in evidence as Prosecution Exhibit 202. This document likewise comes from the files of Reichsstelle Chemie. This document, the contents of which are more or less identical with the document before, is the notification of I. G. Farben of the mobilization tasks which were fixed at the meeting of 14 December 1937. Now, in this document your Honors will note, under numeral II, remarks, as in Fall B. Now Fall B, as will be explained later, is the so-called "Eastern Case", Fall Ost; that means a conflict in the East, whereas "A" was, in these mobilization tasks, the total war in which the Western German frontier where the Knapsack plant is located, if I am correct it is near Aachen, Aix La Chapelle, and this is pointed out that certain differentiations were made to I. G. Farben according to the case, what sort of conflicts should arise.

The next document is NI 8881 which should become Prosecution Exhibit 203 and can be found on page 36, both of the English and German Document Book. This document, which also comes from the files of the Reichsstelle Chemie is the minute of a meeting held on 25 January 1938 and the first paragraph of this document shows Dr. Bachmann who was a representative of the I. G. Farben Knapsack plant; it is page 36 of the English text, your Honor; you will note at the end of the list of the persons present, Director Dr. Bachmann Knapsack Plant. This Dr. Bachmann pointed out in this consultation that it would not be possible simply to exclude Knapsack in the A case, that is, the case of total war, and this shows that I. G. Farben by no means simply accepted all decisions but also made their point of view clear and objective as will also be seen from other documents. The list of the persons present shows that

I. G. Farben was amply represented by 7 members of their staff.

The next document which you will find your Honors on page 38 is NI 8504 which I offer in evidence as Prosecution Exhibit 204. This document which deals not directly with I. G. Farben might be helpful to explain the expression of "Red Zone". We will come across in these documents the term "Red Zone". For this purpose, in order to explain this term, this document is offered in evidence.

Your Honors Mr. Sprecher will continue to present the other parts of this document.

MR. SPEECHER: May it please the Tribunal, the next document is NI 8885 which can go in as Prosecution Exhibit 205. This is a secret letter, as you will note most of these memoranda are secret, -from the Vermittlungsstelle W, to the Reich War Ministry, the W staff, that is, the Wehrwirtschaftsstab, the War Economy, or Military Economy office for the Reich War Ministry, the I. G. Farben merely notes that these production schedules are to be considered as a whole and that they are coordinated from the technical and administrative point of view and that some of the subsidiary plants have been taken into consideration in making these schedules and I point that out in a number of documents it is important to note that these mobilization plans did cause some conflicts inside of I. G. of a kind which we believe could not be settled without bringing their main features to the attention of persons of the stature within Farben who are found in the dock.

Dr. Boettcher indicated that the translation of my last sentence did not come through and with your permission I will try to repeat it.

THE PRESIDENT: Surely that is satisfactory.

MR. SPEECHER: The Prosecution points out that the production schedules and mobilization planning did cause problems

which required considerable coordination between the I. G. plants and sometimes some matters in conflict. Further the Prosecution wishes to point out that such problems particularly were of a nature which would require bringing the main features of mobilization planning to the attention of officials within I. G. Farben who were of the stature of such officials as we find in the dock.

The next document is NI 8886 which can go in as Prosecution Exhibit 206. This is the record of a conference on the 11th of January 1938 with I. G. Farben at "Chemistry" and that refers to the German word "Chemie" and this was an abbreviation for the office of the Reich Ministry of Economics which was particularly concerned with supervising or coordinating the Chemical industry in connection with the purposes of the Third Reich and the purposes of the Third Reich of course by 1938 in the economic sphere I think were quite clear. In any event we have at this meeting representatives of the War Ministry and there were three representatives from that ministry, from the Economic Ministry, and from the Ueberwachungsstelle Chemie, the supervisory office for Chemistry which was underneath the Economic Ministry as well as three representatives from I. G. Farben. Dr. Hegert, who he had intended to call as a witness, you will notice is one of the persons who is in attendance on behalf of the Supervisory office for Chemistry. The subject of the discussion was production in the case of war. Again, if you will note, under remarks, the first paragraph, "The mobilization program of the factory provides for prompt assembly of the required barrels, if necessary, from Knapsack."

Here again we have discussion of production in one plant and the necessity of calling on another plant in connection with something even down to the point of barrels.

The next document is NI 8890 which I should like to mark

in evidence as Prosecution Exhibit 207. This is another conference in January 1938 at the supervisory office for Chemistry concerning the mobilization requirements for the Griesheim plant of I. G. Farben. You will note that approximately the usual representatives from the Ministry of War, Ministry of Economics, there were representatives from all the Sparte of I. G. Farben who were in Vermittlungsstelle W, Dieckmann, Bruening and Meyer; Meyer from Sparte 3 and Dr. Eichwede was then working in connection with the T. A. offices also present; Dr. Eichwede is the author of several of the affidavits which have been placed before your Honors and he engaged in the making of this rather comprehensive history of I. G. Farben during the course of the war, some parts which already have been brought to the attention of your Honors. You will note at the bottom of the page, that is page 45 of both the German and English Documents Books, there is an indication that I. G. will indicate the I. G. requirements. This mobilization planning required I. G. naturally to have one plant draw upon another plant for many of the Sparte and this all leads up, it seems to us, to this plan way back in 1935 when Vermittlungsstelle W was announced, that I. G. Farben would have to be treated as one big plant and here we are in the year 1938 and you find that I. G. itself is working very hard to administer itself as one big plant in connection with this mobilization planning.

The next document is NI 8780; we offer that in evidence as Prosecution Exhibit 208. This is a secret letter from Vermittlungsstelle W to Farben's Hoechst plant concerning operational schedules. You will note from the first paragraph that this operational schedule was not taken very lightly. They were first read or talked over before a certain group of people representing the Government, the War Ministry and Farben

and then later on there was a second reading after some of the problems had been ironed out which had arisen after the first reading. In the second paragraph we think it important to note that Vermittlungsstelle W indicates to the Hoechst plant that they will receive more detailed instructions on the treatment of the various intermediate products which are necessary for the production of dye stuffs from the office of the Technical Committee. Now, your Honors will recall from the chart and we will try to explain the relation of some of these departments a little more fully in several days, that the office of the Technical Committee performed an awful lot of services on behalf of the Technical Committee of the Vorstand of I. G. Farben and had many direct dealings with all the plants. The Technical Committee was under the general direction of the defendant Dr. Meer.

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The next document is NI-7626 or 7426, that can be marked as prosecution exhibit 209. Dr. Zahn from the Army Ordnance Office in March of 1938 writes the Defendant Ambros and he merely wishes to make it plain that in view of the guarantee that the Reich is making to Farben, Farben must be required to make certain commitments beyond the year of 1944 concerning mobilization. The first item that is talked about with respect to production has to do with Oxel, that is an item for Lost or Mustard Gas, the date is March 1938.

NI-8879, the next document on page 49 of the English and 51 of the German document book, may go in as prosecution exhibit 210. This is a file memorandum concerning a discussion of the Hoechst Plant between an engineer of the Military Economy Office in Frankfurt and the two representatives of the Hoechst Plant or Sparte II as the Hoechst Plants were largely under the domain and jurisdiction of Sparte II, which is also under the command of the defendant Ter Meer. The Military Economy office representatives submitted three contracts for war supplies to I.G. Farben, the date is March of 1938, which is just four days before the invasion of Austria. The I.G. Farben representatives note that they are able to supply the proper quantities which had been discussed with the representatives of the Reich.

The next document NI-8078. will be marked in evidence as prosecution exhibit 211. This is a letter from the plant director at the Hoechst plant to the Military Economy Office in Frankfurt noting that the Hoechst plant of I.G. Farben is in a position to agree to a war contract for certain products and material. The 12th of March, 1938 is the date that Germany invaded Austria.

The next document is NI-8774, page 52 English, page 56 German document book, and that may be marked as prosecution exhibit 212. This is again a letter from Vermittlungsstelle W to the Hoechst Plant dated 12 March 1938, before the invasion of Austria. The subject

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is "Planning work.". It mentions that during the three months there has been a considerable number of discussions concerning planning work and the preliminary operation plans were with few exceptions determined. And then turning to page....., Your Honors, will note that the next step in our planning must be the more exact determination of our raw war material requirements etc. Step by step I.G. Farben was getting ready and step by step Farben was being synchronized with the requirements of the High Command.

The next document is NI-3773, which may be marked as prosecution exhibit 213. Vermittlungstelle W/under 8 April 38 writes a letter to Bruening of Frankfurt plant, the usual secret letter, concerning the subject of "Planning" and we note that the Control Office for Chemistry or supervisory office for chemistry on several occasions has requested that the work outlined in the instructions be accelerated. Inclosed are certain instructions for the ascertainment of raw material and preliminary product requirements. I don't think it will be necessary to go into the details of that document. However, I might point out that on page 57, at the bottom of the page, item 5, I should think that should be about page 62 or 62 of the German document book;

"The raw material requirements for the total dye-stuffs production of individual plants will be ascertained by the office of the Technical Committee, the figures to be based on a distribution scheme for dye-stuffs production drawn up by this office - and a report sent to Vermittlungstelle W."

Again, Your Honors, we point out the tremendous peroration which is required by the central office of the technical committee in order to see that the I.G. Farben kept its house in order in planning the vast problem of mobilization.

Again, Your Honors, if you will turn over to page 59 of the

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document book, this is at the end of item 6, there is merely a notation as follows:

"By agreement with Elberfeld the forms for the pharmaceutical departments of the plants Leverkusen and Hoechst will likewise be completed by Elberfeld." There you have the three largest plants of I.G. Farben producing pharmaceutical products closely interlocked and one of them taking over the responsibility or concluding forms for the other two. The defendant Kuehne of course was in charge of Leverkusen and at Elberfeld the defendant Hoerlein was in charge.

The next document is NI* 6398. I would like to mark that in evidence as prosecution exhibit 214. This is a letter from the Ammoniak Werke Merseburg, it really should not be translated, Your Honors, because it is the plant's name and instead of Merseburg Ammoniak Plant Gesellschaft mit beschraenkter Haftung it should merely be Ammoniak Werk GmbH, which is principally the legal entity which owned and controlled the Leuna plants, of course being subject to I.G. Farben control as a completely owned subsidiary. Now there under date of 14 May 1938, this is after the invasion of Austria, we have a notification that the work of securing personnel for the Leuna Plant in case of mobilization is more or less included and therefore there is an invitation to a discussion where some of the more ultimate problems are to be finally discussed. You will note from the table of contents that everything from living quarters to the problems of filing and indexing of the various employees is to be discussed.

The distribution is particularly note-worthy. At the bottom of the page you will find Major Generals, and Colonels and Ministerial Directors and officers of the various local levels of the various Reich Ministries and various representatives of the Farben plants are getting copies of this letter. Then there is a notification on page 3

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of the original, page 61 of the German about - sorry, 58 of the English
65 of the German. The participants in the discussion, which was held
on 18 May at the LEUNA plant and again is a rather imposing roster it
seems to us, which follows any possible was publically known as far as
the technical experts are concerned and as far as the people who were
directly concerned with the execution of those mobilization tasks
are concerned.

I would merely like to note that this particular copy of this instruc-
tion was sent to the LEVERKUSEN plant - on the first page - page 60.
In other words it is Leuna writing Leverkusen and from the nature of the
letter and from the distribution I think it is fairly conclusive that
this letter was sent out very broadly throughout Rarben.

On page 62, Your Honors, there is a recording on many types of
problems which goes into intensive mobilisation, it talks about air-
craft, transportation, change of shifts, transportation for employees,
change of quarters.

At the top of page 5 of the original, page 63 of your document book:

"Preparatory work for the smooth change over of our plants from peacetime production to mobilization production."

The next document, NI-8775, we would like to offer as prosecution exhibit 215, which is a secret letter and commitment of Vermittlungsstelle again to the Hoechst plant, concerning Planning. You will note, Your Honors, in the first paragraph that reference is made to cart in figures of carbon by the Economic Group of Chemical Industries and that carbon is at conlation of certain requirements for its own consumption for plants which are coming up for mobilization for production of products which would go to other agencies and plants or to the Army representatives themselves. And then there is some detail concerning the problems which are in plants and which we think are fairly important and which had to be brought to the attention of any responsible official in the plants or within the administrative set up of I. . .

The next document is NI-7b27; we would like with your Honors' permission, to mark that as prosecution exhibit 216. It is a letter from the High Command, top Secret dated 25 June 1938 and it is addressed to the Ludwigshafen plant for the attention of the defendant Ambros.

It has to do with Schkopau, the I.G. plant, however in connection with the manufacture of Buna a number of by-products is offered, which had to do with other things than synthetic rubber. Here you have a notification to I. . . carbon by the High Command, after preliminary which of course had taken place discussions that I. . . is to set up a number of stand-by plants. I will pass that for certain specific products up, I think with the aid of an expert witness later on about the significance of some of these products, then used because it will take up a lot of time.

The next document, Your Honors, is NI-7b24, which can be marked as prosecution exhibit 217. We submit, your Honors, that this document in one sense is to be represent the intimacy of the symphonisation between

I.G. Farben and the top was planning representatives of the Reich. Some of them have already been adjudged as war criminals by the I.M.T. Here we have on 26 August 1934, the defendant Krauch writing to I.G. Farben. This is an anomalous situations situation Krauch at this time as is noted by this title is plenipotentiary of Minister President Field Marshal Goering, for Special problems of Chemical Production and Krauch at that time had no other chief than Goering at that time, at that office and he addressed himself to the Ludwigshafen plant of course, where the defendants Ambros and Wuster were jointly in charge and he talks about certain products which are important in connection with the Reich program. And this is setting very late in the day before the actual launching of aggressive war. In fact it is about the time when there has already been an aggressive act, namely the invasion about the time of Munich, just a few months before the invasion of Bohemia and Moravia and Slovakia. After Dr. Krauch had mentioned to his colleagues his stand on the future of I.G. Farben - and he remained on the Vorstand of I.G. Farben until 1940 when he was pushed on the death of Dr. Bosch to the Chairmanship of the Supervisory Board of the Aufsichtsrat of I.G. points to certain prerogatives as deputy to Goering and then proceeds to give certain orders to Farben in connection with some of these more important products. In the next to the last he mentions:

"I also should like to mention that in accordance with an order by the Fieldmarshal future planning will take place under my direction in close cooperation with the Wehrmacht, and I therefore request you immediately to inform me in future of any questions arising in the field of production of organic chemical preliminary products. The questions will then be dealt with in closest collaboration with the Wehrmacht offices concerned."

I think, your Honors, that the prosecution will require to rely on that document alone to establish the close synchronisation on which

we have established our burden of proof.

NI-3601 Prosecution Exhibit 218 is a Vermittlungsstelle # circular on 6 September 1938 concerning the direction for the continuation of planning work. Now this document goes into some of the stages which are involved in this rather elaborate preparation for war condition and goes into some more things about forms. I only want to point out that at the end of the first paragraph on page 82 of the English and page 83 of the German, there is this statement:

"To the mobilization Plan be added 8 enclosures ... " and so on. And then, quote: "On the subject of this work, which on the instructions of the Supreme Command of the Wehrmacht and the Reich Commissioner for Chemistry, must be completed with the utmost speed, we make the following observations: " and then, of course, Vermittlungsstelle # gives its expert opinion: material requirements, transportations and other things should be accounted for.

The next document is NI-8669, prosecution exhibit 219, here Hirschel of the Hoechst plant sent a copy of certain regulations for handling of mobilization contracts to three other plants of I.G. Farben, which are located near Hoechst. He will bring out further where some of these administrative matters were handled by a large plant, in connection with subsidiary plants or near-by plants through on the so-called combines of Farben. It is enough to point out that Hirschel mentions that these regulations had been worked out by Vermittlungsstelle- # with the appropriate authority in order to guarantee a uniform handling within the I.G. of all such orders the number of which will increase in the future". In September of 1938 Farben and its leading officials were quite certain as to what the future had in store for German armament industry.

Now if we any turn over to page 76 of the English document book, page 89 of the German document book, you will find, Your Honor, certain definition of operational schedules and mobilization tasks and what they really mean and what they amount to. You will notice on page 77, pages 89 and 90 of the German, that a distinction is made between so-called contracts with armament factories and war delivery contracts, I take it the distinction largely being one as to whether it was an important intermediate product or a final product which that Wehrmacht ultimately had need for.

Now if you skip down to the middle of that page, I would like to make one quotation with your permission.

"Whereas the placing of mobilization contracts for our plants is almost complete, war contracts have so far been issued by individual Wehrmacht offices and for individual products only."

Skipping a line,

"We must, therefore, expect to receive further war contracts and war sub-contracts."

Then on the next page it is rather interesting to note how Vermittlungsstelle W and the OKW were getting together again in order to treat Farben as one big plant, and given the purposes of the Reich authorities in the Wehrmacht at that time and given I.G. Farben's potentiality and its willingness to participate, I think it is understandable why the OKW was willing to spend this much time with Vermittlungsstelle W and the main I.G. Farben officials.

Your Honors, if you will turn over to page 80, there is a reference to the sales departments which we would like to call to your attention. I think it is sometimes a little easy to assume that the sales people were not as deeply involved as the technical people because these problems involved the greatest amounts of attention from day to day the technical people. However, in Farben, I don't think they were left out of the matter. Here you have an indication that: "The sales department

Again the interrelation between the plants and the Spartes seems to us rather apparent.

Mr. Charantz will continue with Your Honors' permission

MR. CHARANTZ: In it please the Tribunal, the next document which is to be found on page 93 of the English text, page 103 of the German text, is NI-8600 which I want to mark in evidence with Your Honors' permission as 222. This document, a file memorandum, secret file memorandum, of the Farben-Hoechst plant where it was found is initialed by Dr. Hirschel of Hoechst who was mentioned before here, and this document which is more or less a file note on a discussion with Mr. Neumann, the representative of the Vermittlungestelle W on 14 September 1938 shows that also the dyestuffs were included in these mobilization questions, this again in order to show that not only the people directly concerned with poison gas and other more war-important materials were directly involved in these preparations for mobilization.

The next document, NI-7213, which I want to mark as Prosecution Exhibit 223 is a secret letter from the office of the Technical Committee again to several leaders of Farben plants as is shown on page 95 of the document. Here Dr. Struss the chief of the office of the Technical Committee under defendant Ter Meer writes to the chief of the most important Farben plants as the defendants, Dr. Harster, Lautenschlager, Kuehne and Buerjahn on the deliveries in case of mobilization.

Your Honors will note the date. It is 20 September 1938, about ten days before the invasion of the Sudetenland.

May I point out on page 96, the second but last paragraph, which shows that I.G. Farben had a very clear idea of what the political situation was and that those countries mentioned here were to be considered the enemies in the conflict which had to be expected at that time. It is shortly before the Munich conference, Your Honors will note. I quote. It says here:

"For the goods which are delivered for export, transportation orders

must also be applied for. In order to maintain uniformity, we request that one starts with the assumption that deliveries cannot be made to Czechoslovakia, Russia, France, England and countries overseas."

May I point out to the interpreter this is to be found on page 102 of the German document book -- 112; I am sorry. May I ask the interpreter whether the sentence went through in the German language?

INTERPRETER KATZ: No, it has not.

THE PRESIDENT: Does Counsel desire to repeat it?

MR. CLARKE: Yes. Maybe the interpreter can translate. The paragraph in question reads -- may I do in now? The paragraph in question reads:

"For the goods which are delivered for export, transportation orders must also be applied for. In order to maintain uniformity, we request that one starts with the assumption that deliveries cannot be made to Czechoslovakia, Russia, France, England and countries overseas."

I think this is self-explanatory.

The next document which I want to mark into evidence is NI-7241 which is offered in evidence -- 7214 -- which I want to offer in evidence as Exhibit 224. This exhibit, which Your Honors will find on page 98 and following of the English document book, page 113 and following of the German document book, is a letter from the Vermittlungsstelle written on 24 September 1938, again shortly before the invasion of Czechoslovakia, on the subject: "Securing the Means of Transportation in Case of Mobilization." The first paragraph of this letter indicated that the formal circular of 20 September 1938 of the Bureau of the Technical Committee is superseded by these instructions. This circular referred to here is the document, NI-7213, which was introduced in evidence before. The list of distribution which is given here again shows several members of the Vorstand, among them the defendants, Hurster, Lautenschlaeger, Kuehne and Baergin. The letter as such is self explanatory.

I just want to point out on page 100 of the English text, page 177 of the German text, there is one sentence which is underlined. This is underlined in the German original, Your Honors. Here again we see that shortly before an invasion I.G. Farben gives very detailed instructions to all of its important plants for the preparation of mobilization here with regard to transportation.

The next document on page 103 of the English document book is NI-8877 which I want to mark as Prosecution Exhibit 225 with Your Honors permission. This document which was found in the files for the I.G. Farben Hoechst plant is a letter -- consists of several letters, the first one of which is to be found on page 103 which is a letter from I.G. Farben Sales Combine Chemie to on 28 September 1938, and I just want to point out, as Mr. Sprecher did before, here again we find also the sales people involved in all planning for mobilization. This can also be seen from page 104, the first sentence of the letter of 24 September 1938 which is addressed to the Sales Combine Chemicals, that they were given a list of the mobilization customers and even a schedule for sub-contractors.

The next document is NI-4986 which I offer in evidence as Prosecution Exhibit 226. This document which is a file note found in the files of the sales office for technical nitrogen, the department Bodesdick in Berlin shows again that the sales people also were informed by the Vermittlungsstelle W on all measures taken on the field of production with a view to mobilization.

Document 8599 which can be found on page 109 I want to offer in evidence as Exhibit 227. This document which was found in the files of the I.G. Farben Hoechst plant is a secret memorandum for the files on a meeting of I.G. Farben officials with as the first paragraph shows, two gentlemen from the Military Economic Department of the Oberpraesidium in Kassel on 4 November 1938.

perred up to the needs of mobilization.

The next document, XC-97 which I want to offer in evidence as Exhibit 229 can be found on page 117 of the English document book, page 135 of the German document book. This document which comes from the files of the Feldwirtschaftsamt, the successor to General Thomas' office for Military Economy and Armaments, deals with the use of Ludwigshafen--that means the plant, Ludwigshafen--in case of mobilization. The document is the minute of a conference which took place on 8 December 1938 at the supervisory agency chemistry, that is, Reichsstelle or Ueberwachungsstelle Chemie, in which conference I.G. Farben as is shown from the first sentence of the text of the document itself approached the supervisory office chemistry on the question of mobilization. The initiative clearly is I.G. Farben's.

On page 119, Your Honors, the second paragraph from the top, the last sentence--the last word, rather, speaks of an--this is page 138 of the German document book. I am sorry. The last two words is the "East incident (Ost Fall)". This should rather be translated as "case of war in the East."

The next two or rather three pages of the translation in your document books, Your Honors, page 119, 120 and 121, are a repetition of the translation which you find on the pages 117, 118 and 121. Therefore, this should be crossed out. This is an oversight on the part of the Prosecution, Your Honor.

THE PRESIDENT: Now will you please repeat the pages that should be stricken?

MR. CHARLATZ: On page 119 after the words "East incident (Ost Fall)" which I just read everything can be crossed out; the heading "Berlin 8 December," the rest of the page, furthermore, the whole page 120 and the whole page 121 except for the certificate of translation.

THE PRESIDENT: Thank you.

MR. CHARLATZ: The next document, NI-7121, which I want to offer

THE MARSHAL: Persons in the court room will be seated.

The Tribunal is again in session.

THE PRESIDENT: The prosecution may proceed.

MR. CHARMATZ: May it please the Tribunal. The last document which I introduced was Document 7127 on page 122, Document Book 8, which received the exhibit # 230.

The next document, NI 7125, which I want to mark as Prosecution Exhibit 231, is a secret letter of the Versittlungsstelle-W, signed by Dr. Dieckmann, addressed to the Reich Ministry of Economics, dated, as the document before also, on 5 July 1939, again on the same question of removal of important military products from Ludwigshafen and Oppau to other places. The contents of these documents need not be explained. It only shows that, at the same time, again 5 July 1939, this most important matter of transferring war important productions from Ludwigshafen was discussed with all Reich authorities.

The next document, 7124, which I want to introduce as Prosecution Exhibit 232, is a letter which was found in the files of the Reichsamt fuer Wirtschaftsausbau, which also treats the question of transferring the war important productions from Ludwigshafen to safer regions of Germany with a view to the impending war.

May I inquire, Your Honor, whether you have Document Book # 10 before you, which is the supplement?

THE PRESIDENT: Just a moment, and we'll

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ascertain.

MR. CHARMATZ: The document book was originally...

THE PRESIDENT: We do have.

MR. SPRECHER: If I may interrupt, Your Honor, the Secretary of the Tribunal has indicated that it is standing practice to have the document book marked in consecutively without indicating that they are supplements, in the interest of good order. The documents within Document Book 10 are actually supplementary or introduced in connection with other documents in Books 6 through 9 and if Your Honors, as well as defense counsel, will mark your books accordingly, I think it will avoid any problem.

THE PRESIDENT: By that, do you mean to say that it would be more orderly to designate this supplemental book as 10?

MR. SPRECHER: Yes.

THE PRESIDENT: And that will not confuse you on your next series?

MR. SPRECHER: We will have to inform the processing people accordingly.

THE PRESIDENT: Very well.

MR. CHARMATZ: In Document Book # 10, which originally was Supplement Book # 9, on page 28 of the English text, which is page 36 of the German text, Your Honors will find a letter from the Vermittlungsstelle-W, addressed to all important or, rather, to the most important plants of I.G. Farben -Ludwigshafen, Hoechst, Uerdingen, Leverkusen, and the Leuna-Works, - which deals with, as the subject of this letter reads: "Supply of the Armament Industry with Fuel in 'Mob-Fall' ", which is in the case of mobilization.

Here again, at the very same time, only two days after the two exhibits I just introduced I'm sorry, Your Honor, seven days after the date of the last two exhibits, on 12 July, I.G. Farben again, through the Vermittlungsstelle-W, took all measures in order to be supplied for the case of mobilization. I may point out, with Your Honors' permission, on page 29 of the English document book, the last paragraph of this document reads:

"Due to the urgency of the matter, it is requested that this letter be answered not later than 20 July."

Now, as we have seen from the distribution list, all the important plants of I.G. Farben received this letter and were asked to take immediate steps with regard to all the matters mentioned in this letter which Your Honors can see from the text of the letter, and which I am not going to read.

The next document, which Your Honors will find on page 30 of the English document book, is a letter or, rather, a copy of a letter of I.G. Farben Industry, Anorganic Department, dated the 11th of July 1939, again this critical period where I.G. Farben took measures to discuss here the production by standby plants which were to produce only in case of war.

May I revert now, Your Honors

First, may I introduce physically the documents. I'm sorry, Your Honors, I did not hand over

THE PRESIDENT: I'm not sure that we understand. Are you offering in evidence these two documents to which you have referred that are to

be found in Document Book 10?

MR. CHARMATZ: Yes, Your Honors. It's entirely my fault.

THE PRESIDENT: Have you identified them by number?

MR. CHARMATZ: May I do so now?

THE PRESIDENT: Certainly.

MR. CHARMATZ: The first document, which is to be found on page 28, to which I referred first, is Document NI 7208, which I would like to mark as Prosecution Exhibit 233, with Your Honors' permission.

The second document to which I referred, which can be found on page 30 of Document Book # 10, is Document NI 7378, which I want to mark Prosecution Exhibit 234.

THE PRESIDENT: Now, are you reverting to Book 8?

MR. CHARMATZ: I'm reverting, with Your Honors' permission, to Document Book 8, page 139, which shows the Document NI 5196. This document, as Your Honors will recall, was introduced already as Prosecution Exhibit 41. This is an affidavit by the defendant Schnitzler, and I would just like to draw Your Honors' attention to two pages of this document; namely, page 149 of Document Book # 8 - it is page 181 of the German document book - where, in paragraph 3, the defendant Schnitzler mentions the team-work between Farben and the Wehrmacht with regard to 'M-Fragen', the Mob-question, and the so-called war games; and, furthermore, page 158-page 190 of the German text, which contains two statements, original statements by the defendant

von Schnitzler concerning, as the heading of the second statement shows, the "Tense Situation in Summer 1939."

I'm not going to read anything, but I would like just to point out that this is the time at which all these measures concerning Oppau and Ludwigshafen were taken.

The next document on page 164 of the English Document Book, your Honors, which can be found on page 196 of the German document book, is Document HI-8320 which I want to offer as Prosecution Exhibit 235. This document is an affidavit of Dr. Ernst Struss who was, as is shown from the first paragraph of the affidavit, the secretary of the Technical Committee of the Vorstand of I.G.; furthermore also manager of Sparte 2 of the Vermittlungsstelle W and he held also other functions during the war. In this document Dr. Struss points out in accordance with the general tendency of the Wehrmacht and the Government authorities I.G. Farben transferred its production to central Germany to a safe region and that most of the newly created plants for the Wehrmacht were built in central Germany. This again is introduced in order to show how Farben, - and we use this word again -, synchronized and went along with the general tendencies of war preparation in Germany.

The next document HI-5764, on page 166 of the English Document Book and page 198 of the German Document Book, I want to introduce this document, HI-5764, as Exhibit 236; it is a file note of the Technical Committee of Farben dated 5 July 1943, that is, during the war, in which reference is made that I.G. Farben long before the war had transferred all the productions of military importance to safe regions. May I draw your Honors' attention to the third paragraph of this document, page 166 and may I read just one sentence: This document refers to a report which was made by Dr. Struss at the meeting of the Technical Committee on 30 June 1943. I quote, in the middle of the third paragraph:

"As copies of the report are not to be distributed for reasons of secrecy, the colleagues from the commercial side on the Vorstand are requested to read it in the plants in order to inform themselves about the removal elsewhere of production of military importance which was effected by the I.G. long before the war broke out."

DR. GIERLICKS: (Attorney for defendant Schmitz): May I revert back to the document which the Prosecution just now offered as Exhibit No. 233.

The document is designated as a note of the TEA Buero which Dr. Struss has made, but the original document which I have in front of me, that is, the photostatic copy of this note, hasn't got the note of the person who took the dictation nor does it carry any signature. May I ask the Prosecution where they got their information that this is a report of the TEA and that Dr. Struss is the man who made this report.

MR. CHARLATZ: May it please the Tribunal, if I remember correctly, I did not say that this file note was made by Dr. Struss. I only pointed out that according to this file note of the TEA Buero, Dr. Struss made the report in the meeting of the TEA, Technical Committee on the 30th of June 1943, and I want to point out that this document was found in the Griesheim I.G. Farben control records buildings, the files which are marked E-24-113. We can introduce at any time, your Honors, an affidavit by the member of the Prosecution Staff which is given here on my information sheet who found this document in the files of I.G. Farben in the place and in the file which I just mentioned.

MR. GIERLICH: The point which seems of importance here is who the author of this file note is; the Prosecutor has said he did not assert that Dr. Struss made this note. However, he did say that it was a file note of the TEA. This cannot be seen from the document which I have in front of me and I should like to ask that if the document is offered at all not to define the question of who originated the document, unless the Prosecution is able to prove it. At the present time we cannot find any indication from the document that this is really a file note of the Technical Committee or of any member of that committee.

MR. CHARLATZ: I think the Prosecution is perfectly willing to first find out who was member of the Prosecution Staff, who found this document, exactly in which file this document was found and will bring the whole file which is clearly identified here in the papers of the Prosecution so that from this file we can exactly ascertain what kind of document this was.

THE PRESIDENT: It would appear to be sufficient to have an understanding that the record as it pertains to this document shall be kept open for such further showing as the Prosecution may desire to make subject, of course, to the right of counsel to make a timely objection when such a showing is made.

MR. GIERLICH: I am very much in agreement with this ruling you have made, your Honor.

JUDGE MORRIS: Just a moment; I may be confused on my numbers. I understood counsel for the defense to refer to the number of the exhibit as being 233. I have it as 236 in my book. Am I confused?

MR. CHARNATZ: Your Honor in my notes this document is marked down as Exhibit No. 236.

The next document which can be found on page 167 of the English Document Book and page 200 of the German Document Book is NI-7284 which I want to offer in evidence as Prosecution Exhibit 237 with your Honors' permission. This document is a secret letter from the I.G. Farben Griesheim plant addressed to the Hoechst plant on 13 February 1939 which shows under the subject of Mobilization Task that the Griesheim plant was actually checking closely there the mobilization task which there were given; that they actually worked on these things. May I just point out on page 168 of the English Document Book the signature which reads here "Engelbach", should read "Engelbortz". May I spell it out for the sake of the record: E-N-G-E-L-B-E-R-T-Z. Engelbortz was the director of the Griesheim Plant.

The last document book No. VIII is NI-4620 which I want to introduce into evidence as Prosecution Exhibit 238. This document which is a secret letter from the Vermittlungsstelle W addressed to the Leverkusen Plant of I.G. Farben dated 25 February 1939/ Subject: Mobilization Planning, shows that every year a new mobilization year was actually worked out and that as this document shows in paragraph 1 a general conference of the mobilization work was to take place in the Berlin office of I.G.

Forbon.

This ends Document Book No. VIII your Honor. May I continue with Document Book IX?

THE PRESIDENT: Yes; of course we will have the understanding that there is a reservation with respect to Exhibit 236 in Book VIII.

MR. CHARLATZ: Very well your Honor.

Before I start actually with the Document Book No. IX, your Honors will recall that this morning when I tried to read an excerpt from Document HI-8891 I found a mistake in the English translation. It can be found on page 114 of Document Book VIII. This is just to clear the record, Your Honor.

THE PRESIDENT: Very well.

MR. CHARLATZ: May I read now on page 114, the first sentence: "The firm states that with the present mobilization requisition of Knapsack plant alone all for a carbide it fears that in case of war it could not cover all demands. Carbide production, either present or ready 24,000 tons per month."

The period was missing which would make a misunderstanding.

THE PRESIDENT: Now, we go to book IX?

MR. CHARLATZ: Book IX your Honor, on page 1 of the English Document book your Honors will find Document HI-7215 which I want to offer in evidence as Exhibit 239. This Document is the minutes of the meeting of the Vermittlungsstelle W in Berlin on 13 March 1939. May I say that this meeting is the one to which reference was made in the document HI-6398 which was introduced this morning as Exhibit 214. This exhibit 214 had the program of such a general meeting on mobilization questions among other documents. This here is the actual transcript. May I point out since the English mimeograph does not show how the German Document looks that the first four pages are handwritten which are attached to this document and which were translated here. The typed report of this

meeting starts on page 5 of the English Document Book and gives first the program for the discussion on mobilization planning on 15 March 1939. As your Honors will see from this program practically all questions dealing with mobilization were discussed there by - I'm sorry may I tell the interpreter - it

is on page 5 of the German Document Book, all questions pertaining to mobilization were discussed at this meeting by Farben specialists. I need not read anything from this program. I just want to point out that the following pages and also page 5 give all details which are necessary to be observed in a meticulous preparation for mobilization. May I just point out on page 8 of the English Document Book that under heading 9, mobilization schedule, that which should really be translated literally "mob calendar." I mention this because in all the files of the military and government authorities we find the expression "mobilization" or "mob calendar." That is why I am correcting this translation here. I think this document is much more impressive when one can read it in peace, because I think to point out certain things would not serve the purpose here.

The next document IT 7283 I want to offer in evidence as Exhibit 240. This is a letter from the I. G. Farben Griesheim plant to the Hoechst plant dated 30 March 1939, where the Griesheim plant stated their needs, requirements for raw materials and intermediates for the mobilization program. I want to point out this this document because it shows these mob tasks or mobilization programs were not just documents or papers which I. G. Farben plants received and did not act upon but that I. G. Farben, that the different plants actually took all the steps in order to fulfill their mob tasks and to make sure that they would fulfill the requirements.

The next document IT 3860 I want to mark as Exhibit 241, with your Honors' permission. This is a letter from the Vermittlungsstelle W addressed to the Hoechst plant of I. G. Farben dated 6 June 1939 and the subject is -- First, your Honor will find it on page 30 in the middle -- Subject: Sub-Contractor employment schedule. Your Honors will recall that this morning Mr. Sprecher had already mentioned the so-called war delivery contracts through which the firms obliged themselves to deliver certain materials in case of war and now here this deals with the sub-contractor contracts for agreements. As in the case of the mobilization year, as was pointed out before, also these schedules for sub-contractors were revised

every year. I think I need not read anything from this document.

The next document MI 8779, which I want to mark as Exhibit 242 is a letter of the Military Economy Division of the Oberpraesident in Kassel, addressed to the Hoechst Plant of I. G. Farben. This letter, dated 12 June 1939, shows how the different plants of I. G. Farben were advised by the Government offices in charge of military economy measures of all measures to be taken for the preparation of mobilization.

The next document MI 8781 is a memorandum found in the files of the I. G. Farben Hoechst plant in which a certain Mr. Bormann writes to to of the directors of the Hoechst Plant on the subject of the creation of a central mobilization office. May I first, your Honors, mark this document MI 8781 as Prosecution Exhibit 243, with your permission. In this document an employee of Farben made the suggestion to create in the Farben Hoechst plant such a central mobilization office. I want to point out to your Honor the time at which this suggestion was made. Again it is summer 1939, late June 1939, the same time when we saw how Farben took on the measures to be prepared for a conflict. On page 40 in your Document Book, your Honors, the last sentence shows that Dr. Kayser, a member of the Vermittlungsstelle, advised Herr Bormann to visit the Leuna Mobilization office, where, I quote, "every specialist can learn quite a few things, so he said."

May I point out that here we will introduce later an affidavit on the mobilization preparations of the Weimer works, which were concerned so here in this document. That is at the end of the document...

I am sorry, Your Honors, referring to exhibit 242, which is II-8779, it has just been pointed out to me by defence counsel that in the German copy of the document book one sentence has been omitted, apparently a typographical error in drawing up the mimeographs sheet. With the agreement of counsel, we will take that up with the Secretary to see that the substitute sentences are introduced and made clear, however, I think the counsel right point it out to other defense counsels at the present time, if will, so he may read the full correct sentence; is that satisfactory to Your Honors?

THE PRESIDENT: Very well, that is satisfactory.

DR. THOMAS: (Counsel for the defendant Esenin.)

Mr. President, in the document 8779, which has been submitted as exhibit 242 by the Prosecution under No. 1 on the first page it should read: "Those plants designated so far as armament and war important plants shall be uniformly designated in the future as W-Betriebe, that is war economy plants."

This sentence has been omitted in the German mimeographed text or rather it has corrupted in the German document book and I should like to ask you to have new copies of this document distributed.

R. SPRINGER: We will be glad to see that additional corrections made with the secretary general and

defense counsel can make the necessary alterations in their books.

THE PRESIDENT: Is that satisfactory to defense counsel?

DR. THEOBALD: Yes.

THE PRESIDENT: Very well.

MR. CHARWATZ: May it please the Tribunal, before I carry on I noticed when I went through the German document book 8 that the document, which is the fourth document in document book 8, which was introduced as exhibit 193, PI-8609 is absolutely unintelligible in the German text book. Two different documents were put together in the photostat from which this German micrograph was made. May I hand over to the defense counsel now the correct German text, which escaped apparently the learned counsel that this document just was put together from two different documents and did not make sense.

THE PRESIDENT: Thank you, counsel.

MR. CHARWATZ: I introduce as exhibit 243, PI-8781 on page 39 of the English document book.

The next document, which I want to introduce as prosecution exhibit 244, is PI-7212, which can be found on page 41 of the English document book, page 51 of the German document book. This document is letter of the Vermittlungsstelle W, addressed to the Hoechst Plant, dated 25 August 1939. May I just read the subject of this letter? It says: "Subject: Procurement of large machinery and finished apparatus in case of mobilization."

On the next page 42, about in the middle of the

page at the end of the second paragraph, may I just point out that here the Vermittlungsstelle W said:

"So, therefore, suggest to you to compile a list of the requirements of your plant for the current year for new large machines and apparatus for the execution of your mobilization order..."

I just want to draw Your Honors attention to the date which is 25 August 1939, less than a week before the outbreak of the war.

The next document NI-4309 I want to mark as prosecution exhibit 245, it can be found on page 45 of the English document book, page 53 of the German document book. This is a sworn interrogation of Dr. Engelberts, the director of the Berion Griesheim plant. The name was mentioned in a document before and I corrected, if your Honors recall, the spelling of the name. I think I need not quote anything from this interrogation, it just deals on page 46 with preparation of the so-called "mob" plans by the Farben factories.

The next document, NI-5190, which should become exhibit 246 with Your Honor's permission is an affidavit of the defendant Jaclac, signed on 29 May, 1947. I just want to draw Your Honors attention to page 32 of your document book, page 33 of the German text, under No. 10 it says:

"In my capacity as technical manager of the plant I also helped to organize the so-called 'Mob-plan', which was worked out jointly by the Vermittlungsstelle W and the works management."

We are not going to introduce, Your Honors, more

documents to show that practically all the plants or all the defendants who were in charge of specific Farben plants made such "Mob Plans." This should be just an example.

The next document NI-8925 which should become prosecution exhibit 247 can be found on page 57 of the English document book, page 70 of the German text. This is an affidavit by Dr. Hans Wagner, whom the prosecution wanted to call as a witness. In view of the fact that Dr. Wagner will not be called for some time may we introduce now this affidavit and leave it up to the defense to take up cross-examination on the subject contained therein.

THE PRESIDENT: Very well.

MR. CHERKATZ: I just want to point out on page 57 of the English document book under No. 2 the first sentence says: "The first mobilization plans were drawn up at the end of 1936 or the beginning of 1937, as far as I know."

I do not want to read anymore of this exhibit. I just want to point out to Your Honors on page 58 under No. 6 again we find the discussions which took place in the summer of 1938 concerning the Ludwigshafen plant and joint transfers of production to central Germany.

On page 60, Your Honors, under No. 8 Your Honors will find an explanation of the what is called here: "Contracts for war-time supplies" and which in other translations sometimes appears as war delivery contracts. Since the documents are very technical, I think it might be helpful to have this considered,

which is a very simple explanation of the rather involved documents, which were introduced before.

The next three documents, which I want to introduce are affidavits by two Farbman employees summarizing certain excerpts from the minutes of the meetings of the KA, the Commercial Committee of I. I. Farbman and the so-called enlarged "DyeStuffs Committee." These affidavits contain excerpts from a complete collection of the minutes of these two Farbman boards and the prosecution wants to introduce these documents in order to avoid that all the original documents must be brought into court and translated with all the headings and identifications. So, if it is agreeable to Your Honors, may we introduce these in order to expedite matters.

THE PRESIDENT: In the absence of any objection on the part of any of the counsel for the defense, that is agreeable to the Tribunal.

MR. CHARWATZ: It was just pointed out to me, Your Honors, that on the meeting of KA, the Commercial committee, we did not have all copies, so the prosecution would be very much obliged to defense counsel if they have in their possession any further copies of these minutes if they would be good enough to furnish them to the Prosecution, just as well as the prosecution is perfectly willing to have the defense look at all the minutes which are in our possession.

DR. BERLICHES: Mr. President, as to the first question, I believe in the interest of expediting the trial we can agree to the method suggested by the prosecution, according to which only excerpts from the records are to be submitted. However, for the defense

I should like to make the reservation that in such cases in which we are of the impression that these excerpts might lead to misunderstanding or false conclusions either with regard to the significance of the question or to the context of the questions in which this matter is treated, that in such case we may ask the Prosecution to submit the entire document in order to substantiate the subjects on which the meeting was held.

As to the second question of the prosecution, I regret to have to say that as far as I am concerned, now since the prosecution got hold of all the documents which were available, we can be of no assistance to them in cases where they do not have the complete files.

MR. SPEICHER: Your Honor, on the last point, I am not quite sure if the translation was entirely correct. We have only one copy of most of the minutes of the Commercial committee and as I understand it from Dr. Frank Fahle, who is the secretary of the Commercial committee, more than 40 copies of the Commercial committee's minutes were distributed throughout the I.G. Farben expect that some of the learned gentlemen with some of their contacts in some of the plants are possibly in a much better position to get copies of that than we are. When the I.G. Farben control officer confiscated certain records, I don't think they made it a point to try to take all copies of commercial committee minutes.

But insofar as they have or insofar as these documents have come into the hands of the Prosecution, it is now, has been and it will continue to be our policy that any document which the defense can identify with any particularity and which is in our possession is

their document for their scrutiny merely for the asking.

THE PRESIDENT: Very well, it seems to the Tribunal that it is to the mutual interest of all the parties not to unnecessarily encumber the record and on the representation of counsel for the prosecution that the showing made may be supplemented by such further showing, such as counsel for the defendants deem pertinent for a full inquiry. The Tribunal will admit these three exhibits when they are designated by the proper numbers, subject to the reservation just mentioned.

MR. GERRATZ: May I now, with your Honors' permission, offer as prosecution exhibit 240 PI-7832. This affidavit of Dr. Gustav Kuerper, former manager of the Dyestuffs Legal department of the Dyestuffs Sales combine of the I.G. Farben gives excerpts from such minutes of the dyestuffs committee which show a discussion of the so-called H question.

Pages 62, 62-A and 63 show that this M question was discussed regularly in regular intervals before the outbreak of the war. In the second part of the affidavit, Dr. Kuoppars states what he knows, what was discussed under the heading of the M question in this enlarged Dyestuffs Committee. Your Honors will note that the transcript or rather these minutes do not know what actually was discussed it just states briefly M question discussed, etc.

The next document, NI-8789 I want to offer in evidence as prosecution exhibit 249. This again is an affidavit by Dr. Kuoppars identified before in which Dr. Kuoppars gives the source of his knowledge on the question concerning the M question.

The next document NI-7621, which I want to mark as prosecution exhibit 250, with Your Honor's permission, is an affidavit of Dr. Frank Fehle, who was the secretary of the Commercial committee and the secretary of the "Buero" of the commercial committee. Here again we find that the affiant mentions all the meetings in which the so-called "Mob" question, mobilization question, was discussed. As was stated before here, the prosecution is not in possession of a complete collection of the minutes of the commercial committee, therefore, it is entirely possible that in one or another meeting of the Commercial committee this question the Mob question, was discussed, but it is not contained in this affidavit by Dr. Frank Fehle.

May I just draw your attention to document book 6, page 69 under number 3-A, the second meeting of the KA on 10 September, 1937. Your Honors will find under four it is underlined No. 4 "Mobilization Question" the following: "Dr. von Schützler reports on the present situation and asks Dr. Ilgenor to arrange a talk together with the chief of the political economy department", the so-called "Wipo. I add, "at the Reich Ministry of Economics, which is competent for the above question and to report on it at the next meeting."

We see several meetings and we see that this question is discussed at regular intervals.

May I just point out on page 70 of your document book, Your Honors, it is page 90 of the German document book, at the top of the page is which an excerpt from the fifth meeting of 10 December 1937 as is shown on the page before, it says under the heading "Mobilization Question:"

"Dr. von Schnitzler and Dr. Ilgner report on their discussion with the experts of the Reich Ministry of Economics, and on the measures to be taken."

On page 71 may I point out under 1) the 12th meeting of 16 June 1938. Here again under the heading "Mobilization Question" may I just quote the first sentence with Your Honors' permission:

"Dr. von Schnitzler and Dr. Ilgner report on the discussions with State Secretary Posse and Ministerialdirector Sarnow at the Reich Ministry of Economics and with Brigadier General Thomas, Chief of the Military Economic Staff (Wehrwirtschaftsstab), as well as on the other discussions with Oberregierungsrat Eckelmann and the competent experts of the Reich Ministry of Economics."

I do not want to quote any more. May I just point out that the mobilization question was discussed by the Commercial Committee, which was the board of the gentlemen mostly concerned with commercial matters, not with matters of production. This question was regularly discussed in that the defendants, Ilgner and von Schnitzler, actually were very active in order to find out from the highest governmental authorities and even from General Thomas, the highest authority on military economy, how this mobilization should be treated.

Your Honors will note in these excerpts that the persons present are only examples. It always says here in the affidavit "among others". Only the defendants are mentioned here in this affidavit, so there should be no misunderstanding that no other persons were present.

On page 73 under "q)" it says on the thirty-first meeting on 17 April 1940 under the second heading of "2) Mobilization Question" that Dr. von der Heyde reports again in -- "I am sorry; this is on page 96 of the German document book. May I repeat? I need not quote really. It says here that Dr. von der Heyde reported again on the collaboration of German

industrial enterprises including the I.G. abroad. I think nothing else has to be added here in commenting upon this affidavit which should be self-explanatory.

The next document which is to be found on page 81 of the English document book, page 107 of the German document book, is NI-5198 which I want to introduce in evidence as Prosecution Exhibit 251 with Your Honors' permission. This document is another affidavit of the defendant, von Schnitzler, and may I point out only one thing; on page 83 of the English document book, page 108, of the German document book, at the top of the page Your Honors will find a short statement of the defendant, Schnitzler, where he says that the "M-Frage" was discussed in the KA — that is the Commercial Committee, the minutes of which we just discussed — started to discuss after the Anschluss of Austria in Spring, 1938, the mobilization question. I do not want to argue, I just want to draw your attention to this excerpt, Your Honors.

With Your Honors' permission, can Mr. Sprecher continue for the Prosecution?

THE PRESIDENT: Certainly.

MR. SPRECHER: I was only suggesting to Mr. Charvatz that we do finish that small quote there since we have begun it.

"Since that time a state of mobilization continuously exists and the danger of a clash was constantly imminent."

That is at pages 108 and 109 of the German, the quotation just above the date, August 26, 1945.

Your Honors, before we continue on in Document Book IX with some of the materials which have to do by and large with paragraph 23 of the Indictment, I think it might be well if we went over to Document Book X which is listed as the index

to supplementary Document Book No. IX and put in a number of the documents which for the most part deal with the period before August and September, 1939. I might explain to Your Honors two things here. In order to hasten the reproduction of documents, we sometimes have some documents which might more reasonably be fitted in in an earlier document book thrown into a later document book or a supplementary document book. Then having done that, sometimes in order to avoid too much moving back and forth in the document books, which isn't too easy here for any of us, we neglect to put in related documents at that time unless it is quite important, so that explains the reason for putting in now some documents which will cut back over things which we have already passed. The first document I would like to put in is NI-9364 which can be marked in evidence as Prosecution Exhibit 252. This is another affidavit of Dr. Hans Wegner, in which he refers to a document which we introduced as Prosecution Exhibit 105, namely, NI-5686 -- I am sorry -- 159 --, Prosecution Exhibit 159. The Prosecution showed Dr. Wagner NI-5686 and he identified it as a file note he had dictated, and it makes it very clear that the file note dealt with the treatment of secret correspondence relating to chemical warfare agents.

Now the next document in the supplement, NI-9365 found at page 3 of the English and pages 3 and 4 of the German may be marked as Prosecution Exhibit 253. That is an affidavit of Dr. Lingg concerning the manufacture of what was at the time called automatic gas pressure meters. If you will turn over to page 4 of the English document book, 4 and 5 of the German, you will note that Dr. Lingg points out that in fact, what was then called gas pressure meters was really a code name and that in fact these were clock work fuses for an 88 mm antiaircraft gun.

Now it is sometimes a little difficult for the Prosecution to make out the full meaning of some of the things we see in these documents which are classified so secretly, because often times there are such words which without some assistance -- which isn't always too easy to get -- we miss the meaning of these things.

Now the next document is NI-7845 which can go in as Prosecution Exhibit 254. This shows correspondence between the High Command of the Wehrmacht, and it is addressed to the Army Ordnance Staff, and subject concerns mobilization preparations for I.G. Farben. You will note from the certificate above that this document was found in the files of the Feldwirtschaftsamt which is the successor to the Military Economy Office. We only want to point out that in that internal correspondence of the high military authorities they talk about what Farben should do and they show a very great knowledge of the production in individual Farben plants. If you go through the document you will see that they talked a good deal about weapon decontamination agents, war contracts concerning Sera. When you get over to page 9 there is a notification that "The Wehrmacht intends to conclude war contracts with I.G. covering the following products:" and then there is a rather long listing of different laboratory products.

I might point out here again that, of course, we present to you the files as we find them, and many of the files have been destroyed or lost as we will indicate to you rather thoroughly at a later date.

The next document is NI-7379 which can be marked in as 255. This is a letter from I.G. Farben Ludwigshafen to Dr. Zahn in the Army Ordnance Office concerning the making of certain experiments for production of materials

which can be used for both gas and explosives, and at the bottom of the page there is another rather significant indication of the interlacing of Farben plants in connection with this mobilization and it is stated that Farben would suggest the following to the High Command of the Army that Huels will construct a certain plant and that then in the event of "A-Fall" another Farben plant would be able to supply certain of the materials which would be required.

The next document, NI-6931, will be marked Prosecution Exhibit 256. This is a letter from the I.G. Bitterfeld plant, where the defendant, Buergin, was a very important Farben official, directed to Dr. Buhl in the legal department and there is some discussion of the tremendous increase in the manufacture of Losantin tablets which were tablets apparently used in connection with decontamination in case there was a gas war. This document, as you will note, is in March of 1939. It is rather interesting to note that March, 1939, is the month of the invasion of Czechoslovakia, that is, the remaining part of Czechoslovakia, Bohemia, Moravia and Slovakia, Sudetenland having been occupied in the Fall before.

Now the next document, NI-7210, is another secret letter from Vermittlungestelle W to the Frankfurt plant. That can be marked as Prosecution Exhibit 257. Your Honors, just to be sure here -- I regret this, but I am not certain that I identified it -- NI-7210 should become Exhibit 257.

Now, that document, NI-7210, found in the English document book at page 24 and the German document book at page 31 is important to indicate the details which were worked out in connection with supplying food to I.G. Farben works in case of the outbreak of war, and various

precautions are talked about and experiences in different kinds of armament plants are mentioned.

Now, Your Honors, if you will turn over to page 36, you will find a copy of -- that is page 46 of the German -- you will find a copy of an affidavit by Hermann Ruther, NI-7938, which can be marked as Prosecution Exhibit 258.

THE PRESIDENT: Perhaps before you go into that matter, it would be an appropriate time for us to take our afternoon recess.

The Tribunal will rise at this time.

(A recess was taken).

THE PRESIDENT: The Tribunal is again in session.

THE PRESIDENT: Before the Prosecution resumes, the Tribunal would like to observe that if it becomes apparent that by running over a few minutes we might conclude these books that are now before us, it will be entirely agreeable with us -- if it is with you -- this afternoon.

Prosecution may continue.

MR. SPEECHER: Your Honors, in the Supplement Book 10, page 36 of the English and 47 of the German, I would like to make a few observations concerning Prosecution Exhibit 258. There is a discussion of the creation of a special mobilization office within the Leuna Works. We don't have too many files concerning the Leuna Works and therefore of course it is only by comparison that we can draw out on the inferences which we think should be drawn. We happen to have a lot of files concerning the Hoechst Works, and you have noticed that a considerable number of the documents we have introduced have been concerned with this Hoechst Plant. Now, we would like to note that concerning the Leuna Plant, where several of the defendants had rather important responsibilities, there was one of these mobilization offices likewise. That is indicated in paragraph 2 of the affidavit.

Now, the affiant, Herr Ruther, indicated that he had access in Leuna to files which the defendants Schneider and Buetevisch kept or had access to, and, therefore, he has certain knowledge concerning these matters. He notes at the bottom of the page that the defendant Buetevisch gave a lecture before an audience of officers in which he illustrated production problems for them by means of a film.

There is one statement at the top of page 37, paragraph 4, which we might point out. Dr. Dehnal was referred to as a director of the Leuna Works and as a consistent opponent of Hitler; and Dr. Ruther makes the observation that in 1934 Dehnal informed him that the National Socialist system inevitably meant war.

We would like to pass to MI-76 -- That can be marked as Prosecution Exhibit 259 --

THE PRESIDENT: Pardon me, we did not get the document number to which you refer.

MR. SPEECHER: It is MI-7862, page 39 of the English, and 50 and 51 of the German.

THE PRESIDENT: Now, just one further inquiry. Have you purposely passed MI-7122?

MR. SPEECHER: Yes, Your Honors. We purposely passed it for the moment. We want to come back to it. It has to do with the war years and, therefore, I think it would be a little bit too much out of place to introduce it here. We will come back to it in perhaps half an hour, with your permission.

Now, MI-7933, Prosecution Exhibit 258 -- I am sorry. MI-7862, Prosecution Exhibit 259, is an affidavit by Dr. Krueger who was a very important official in Berlin MI-7, and he was responsible to the defendant Hugar for most of the time with which we are here concerned. But after October, 1934, he was under the defendant Oster, in the nitrogen syndicate.

Now, he points out that in the commercial field some of the mobilization problems hadn't been taken in hand to the satisfaction of some of the persons involved, and that this matter was taken up in the autumn of 1937. He would like to point out that that was at the time the commercial committee of I. G. Farben, was reconstituted, and this ties in to some conversations which were held with a number of the Vorstand members of the commercial committee, who are now defendants, being present, and discussing these matters.

In paragraph 3 it is noted that IFO had received -- one of the divisions of I. G. Farben, Berlin MI-7 -- had received some communications from the Reich Ministry of Economics concerning this matter, and some planning was done, whereby IFO was to assist in connection with some of the mobilization questions which concerned the commercial side of the organization.

Now, without specifying particular places, I am sure you will want to read this entire affidavit. You will note that personnel problems, foreign stocks (foreign stock holdings) of Farben, finance questions of other kinds, and warehousing, were among the problems which particularly concerned the commercial leaders, the commercial side, in connection with mobilization questions.

Then, with your permission, I would like to return to Document Book IX, page 101 of the English and 126 of the German documents books. And there the first document is HI-4635 which we would like to mark as Prosecution Exhibit 260. This is a secret letter from the Military Economy Department in Duesseldorf, dated the 26th of August, 1939. The timing of the dates here in these next documents is quite important. The 26th of August is five or six days before the outbreak of the war, on the 1st of September, 1939, when German invaded the sovereign state of Poland.

The secret letter, which is addressed to the Social Department -- or which is to be filed after its contents have been noted by the Social Department and the Personnel Department -- notes that "for the duration of the military measures every employee of a plant engaged in work of importance to the war economy has to remain at his present job with the exceptions which are noted below."

Now, over on the next page, under Item 1, you will note that official information is given that military measures are being carried out at present, and that plants important to the war economy will carry on production essential to the war economy; and further orders as to when the mobilization tasks will be stepped-up further....And down on Item 7: "Very far-reaching restrictions of railway traffic have to be reckoned with." Now, this is talk about something that seems deadly earnest and impending in the view of the Prosecution.

Item 8: "Motor vehicles which were designated for requisition under the mobilization project will now be withdrawn."

I would now like to turn to NI-6235, found at page 104 of the English and 131 of the German. I would like to mark this in as Prosecution Exhibit 261. This affidavit of the Defendant Bueteffisch, I think, should be read in part.

"On the 28th or 29th of August 1939, Dr. Christian Schneider," That's the defendant Schneider, "the plant leader (Betriebsfuhrer) of Louma received from the President of the Government (the Regierungs-
-president)" -- that is the highest local government leader--" or the Commander of the military district the order for the mobilization of the plant."

"On the same day, Dr. Schneider called a meeting of the departmental chiefs--about twenty--informed them about the order for mobilization, discussed the measures to be taken, and ordered them to inform the subordinate plant leaders immediately. I was present at this meeting. Dr. Schneider closed the discussion with the words: 'This is war!' and requested those assembled to place themselves now at the disposal of the Fatherland with all their power...."

Skipping a paragraph; the defendant Buetofisch makes a partial admission concerning his state of mind, which is probably helpful to observe: "Since the German march into Czechoslovakia, that is, since March 1939, it was clear to me that the military economy could be aiming at the development into an aggressive war. Without I.G. Farben, especially without the I.G. Production in the fields of synthetic rubber, gasoline, and magnesium, it would have been out of the question for Germany to carry on a war."

The next document is VI-8778, which we would like to mark in as 262, Prosecution Exhibit 262. This is a teletype. It is dated the 28th of August 1939; the invasion of Poland is but three days off. The nature of the telegram is such, we suggest, that one must conclude a similar telegram was sent to all important Farben plants--if not all Farben plants:

"For the time being, Vermittlungsstelle W can be reached from 8 A.M. until 8 P.M. by teletype, and by telephone from 8 P.M. until 8 A.M. Teletype nitrate syndicate transmits news by telephone to members of Vermittlungsstelle W. Teletype is to be used in preference

to anything else because of security and the speed of transmission of news."

This seriousness about speed, about secrecy, seems to us is rather significant; and that Vermittlungsstelle W decided to keep open all night seems to me to indicate that there was an awful lot of knowledge in an awful lot of places, so far as we are concerned, that war was in fact impending.

The next document is NI-7382 which can be marked in as Prosecution Exhibit 263.

Now, Your Honors, if you turn over to page 107 of the English, about 135 of the German, you will note that there is a remark that "During the period from the first until the fourteenth day of mobilization, all shipments of goods will require a special permit..." Now, on the first page there is a form which indicates the kind of permit which the various plants would have to fill out in order to be able to ship goods during these first days after the actual outbreak of the impending conflict.

It is rather interesting to note that the date on the top of the document, at page 106, is the 30th of August 1939; that is one or two days before the outbreak of war.

NI-2765 is the next document to be marked in, as Prosecution Exhibit 264. Now we have seen how Farben geared up for war; how it synchronized its entire activities with the High Command and with the other Reich authorities which were engaged in preparing for this aggressive war. We have noted in the indictment that Farben was so well-g geared that it only required a telegram to be read for it to change over from such production as still was peace-time production to complete war production.

Now, here is the telegram which finally put this thing into operation. This is now Farben "at war", an aggressive war, as found by the International Military Tribunal.

"Dr. Ungewitter, acting on orders of the Reich Economics Ministry, has just instructed all I.G. plants to switch at once to the production outlined in the MOB program. The minimum production recently fixed for Ludwigshafen and Oppau also goes into effect immediately, with small changes. So far as the reserves of workers resulting herefrom at Ludwigshafen cannot be utilized effectively in the plant, they are to remain in readiness for employment elsewhere within I.G. Our plants have been notified by teletype."

I read that extract because there has been, at least during the early investigations in this trial, what we think is a certain amount of procreation--to say the least--concerning this old question of the shutting-down in whole or in part of the Ludwigshafen - Oppau plant. I don't think from the documents it was quite as much of a surprise in some quarters as had been indicated. I think there may have been some difference of opinion as to whether it would ever actually be carried out, particularly if the impending war ran in Germany's favor--which it happened to do during the first months. And hence Ludwigshafen Oppau, which was near the French border, did not actually fall into great danger.

The date of that telegram, of course, was the 3rd of September 1939.

Now, we would like to take Farben a little further into actual aggressive war here. The next document, II-4452, may go in as Exhibit 265. This is a meeting of Sparte II leaders. Defendants ter Meer, Zuckno, Koorlein, Guergin, Ambros, Wurster, Lautenschlaeger, Gajowski, and Jachno were present and Schmitz, the defendant Schmidt received a copy of the minutes. The meeting was "convoked to discuss the situation caused by the outbreak of war for the plants. The prepared mobilization program, which embraces all manufacture by I.G., became effective on 3 September 1939." Now that there was a prepared mobilization program which embraced all I.G. -- In other words, Your

Honors, that these materials we have indicated, principally from the Hoechst Plant, and from such other documents as we can find, are merely illustrative, it seems to us, is demonstrated entirely by this indicated the completely pervasive scope of this mobilization program within I.G. Farben.

Now, of course, waging aggressive war is a crime, and we think that the discussion inside this document alone shows that Farben continued now to be of assistance in the waging of aggressive war.

NI-8882, Document 266, is a secret letter from Vermittlungsstelle W to the Hoechst Plant again on 6 September 1939. It indicates that all of the war contracts which had been made in preparation for war before 1 September 1939 were effective immediately. Now, your Honors, if I may go again to the supplement of Document Book 10 there are two more documents we would like to put in evidence. The last document in that document Book which appears at page 42 of the English and 55 of the German, that's NI-7136 and we would like to put that in as Prosecution Exhibit 267. This again has to do with waging aggressive war. This is an extract of certain resolutions of the Supervisory Office Chemistry held in connection with the Ministry of Economics and the High Command of the Armed Forces. The appropriate names are shown. There's a discussion about various chemical products and related things which fall into the field which concerns Farben and notations are made concerning changes which will have to be made in order that this war can be carried on and over on page 44 under item 12 you will notice that there is a discussion concerning the mobilization tasks for Ludwigshafen. Now, there again we find there was something of a battle behind the scenes going on concerning what should happen with respect to the Ludwigshafen plant and the High Command had sent an order to Krauch to see that the Ludwigshafen plant was dismantled and transported to the East. However, the defendant Krauch and a number of the I.G. Farben leaders apparently weren't as worried as some of the people in the High Command were as to how the situation would develop and that the whole project was more or less dropped and here is one of the first stages which can be shown; it was decided that the tasks already assigned to I.G. Farben with regard to Ludwigshafen shall stand with some slight changes for war production from the Wurster Program.

Now, your Honor, we would like to come to the document which you mentioned before. That is, the page 32 of the supplement to Book 10 and

41 and 42 of the Germany Document Book 10. I would like to notice that can go in, your Honor, as Prosecution Exhibit 268.

THE PRESIDENT: For the record you have referred to Document NI-7122.

MR. SPRECHER: Yes, your Honor.

THE PRESIDENT: Is that correct?

MR. SPRECHER: That's right. Now, the chain of correspondence here is rather interesting. This is a secret letter of 25 September 1939. Poland by this time has been largely overrun and the letter goes from the Krauch Office to Brigadier General Thomas and here is further talk about an evacuation problem concerning Ludwigshafen and Oppau and Krauch notes that for the past 12 months there's been in existence an evacuation plan in case of emergency which mainly provides for the removal of all essential finished products as well as to the transfer of production plants.

Now, he also indicates later on in the letter that most of these things had been accomplished or accomplished in part. We merely underline this, your Honor, because in documents we shall introduce show repetition made to many authorities and many representatives of different Allied groups concerning this whole Ludwigshafen-Oppau business which certainly did not correspond to the truth. I think I have pointed out that the document was signed by Krauch himself. The translation indicated that the signature is illegible but it's been identified as Krauch's signature since that time and as you noted addressed to Brigadier General Thomas, who is the head of the Wehrwirtschaftsstab, the Military Economic Office. Now, in Paragraph 24 of the indictment we notice that all of the foregoing activities constitute vital planning and preparation for aggressive war. There's a rather interesting order of the day which is found in Document EC-19 which I would like to have go in evidence as Prosecution Exhibit 269.

This order of the day discussing some of the military economic problems being discussed on 7 April 1937 mentions under Item 2-B "Experiences Gained in the MOB Like, Mobilization Like," "Preparation in the Works of I.G. Farbenindustrie A.G." I think you won't notice there is any reference made to another MOB exercises, other mobilization preparations by other plants, in that order of the day. The reference is to Farben which we believe was rather well in the lead in this particular field.

Now, the Schnitzler statement in Paragraph 24 I believe has been read several times and we won't bother your Honors with it again. Now, that concludes the main burden of our proof, we feel, with respect to Count I-B. However, Vermittlungstelle W will keep recurring as we go along to some of the later proof, your Honor, and since we are on that topic we thought it would be convenient here to mention some of the documents which show what Vermittlungsstelle W did after the war broke out. I think it would be convenient in a very short period of time to bring out these documents. The first one is NI-7126 which should go in as Prosecution Exhibit 270. That's a resolution of the Labor Staff of the Supervisory Group for the Chemical Industry made during the first months of the war and you will note that as usual in the first instance --- that's page 156 in the Germania, Item 3 --- you will note that the chemical groups inside the Ministry comes as usual to deal in the first instance with I.G. and in goes Vermittlungsstelle W in what, as a matter of principle, discussions are to take place with the experts of I.G. and only in exceptional cases with Vermittlungsstelle. I think that as even before actual war broke out Vermittlungsstelle had in many instances accomplished its purpose of bringing the appropriate I.G. leaders into contact with the appropriate Reich and military leaders and therefore more and more Vermittlungsstelle W as a liaison office became less important.

Now, this document NI-6658 has already gone in evidence as Prosecution Exhibit 164. We just want to underline here again that counter-intelligence reports made by special Farben agencies were going on during the war and here is this statement of the defendant von der Heyde concerning this matter and it might be important to note in passing that the defendant von der Heyde over on page 123 of the English document Book, 161 German, mentions that in the middle of 1938 he was transferred to the Reich Main Security Office, the RSHA, which was a part of Hitler's SS, SS organizations and after that time, of course, von der Heyde was still in Farben for still quite some time.

Now, over on page 124 of that Document Book further reference is made to the Office of Vermittlungstelle 7. The defendant Christian Schneider was appointed Farben's Chief Counter Intelligence agent in order to co-ordinate the activities of counter-intelligence agents and von der Heyde points out that he had the responsibility of co-ordinating them in the field of commercial matters.

DR. WEINBLUM: Dr. Heinzler for the defense and Dr. Furster. I would like to come back to exhibit 270 of the prosecution. I would like to draw the attention of the Tribunal to the fact that this exhibit bears no signature, a photostat which was supplemented with the files makes us recognize that the original document of which the photostat was taken, has been crossed out as regards the decisive item 13. I believe, therefore, that further explanation and statements about the origin and about the importance and about the originator of the document would be necessary under the circumstances.

MR. CHAMBERLAIN: May it please the Tribunal, this document comes from the files of Brauch's Reichsamt fuer Wirtschaftsausbau, which Office for Economic Development and as is shown on the last page of the document it was drawn up on 13 September 1939. The initials "Dr. Hy", This is Dr. Heyl, H-e-y-l, who was in charge or was a sort of secretary for this working committee Chemistry which was established by the Reichsstelle

Chemistry. Dr. Heyl was here in Nurnberg about 10 or 15 days ago and if the Tribunal so wishes the prosecution is perfectly willing to recall to call Dr. Heyl as a witness. I only want to point out that apparently the Reich Office for Economic Development of Dr. Krauch got a copy of this minute of the meeting and apparently did not like too much the draft of this minute and therefore, in Dr. Krauch's office, not by the man who actually drafted this document, Dr. Heyl, this point 13 was crossed out.

17. SPEAKER: Your Honor, our suggestion would be that the actual crossing out be indicated. It is on your own document book and on the document of the original, a copy which has been put in as an original exhibit with the Secretary and it is merely by two crosses that have been drawn across the Paragraph 13 in either pencil or ink and that the document be received subject to such explanations as may reach towards its weight. We think the document is admissible as it stands.

THE PRESIDENT: Now, let's understand the record. Does counsel for the prosecution suggest that it is their desire that the paragraph found on page 121-B of the English Book and designated in Roman Letters 13, that is XIII, should be crossed out?

18. SPEAKER: Well, your Honor, crossed out in the sense as indicating that there was a crossing out on the document, not that it should be stricken. I think that the stricken part should come to your Honors' attention and I am very grateful for Dr. Heinzler for pointing this matter out. I think an appropriate indication should have been made on the translation as well as on the introduction to indicate that the file as we found it in the captured documents was found in a certain condition.

THE PRESIDENT: Then to conform to the original in evidence is it your suggestion that Paragraph XIII be shown as crossed out?

19. SPEAKER: Yes.

THE PRESIDENT: Now, that will be done. Now, what's the position of counsel for the defendant as to the admissibility of the document in the light of what has been said by the prosecution.

DR. HEINZLER: Dr. Heinzler, I am not in a position at present to make a statement as to the tenor of this document. The superficial impression of the document leaves open the possibility that it might just have been a draft in which perhaps the author of this draft himself crossed out the number XIII in order to leave it out in the final document. I think, therefore, I regard it as necessary before the document is finally

admitted that the origin and the author and the significance of the document, whether it was a draft or the final document, the prosecution will offer a further showing of proof ——— (?)

MR. SPRECHER: Your Honor, we have asked the Secretary to pass up to you a copy of this document in the German. Will your Honors note at the left-hand margin the numerous entries that have been made either by one or more persons and the fact that there are some initials and underlinings throughout this document. I don't think that paper was so short in Germany even in September 1939 that if a whole paragraph were to be stricken from this document found in these files that a stenographer would not have been asked to recast the whole document before it was sent out. We do think this is clearly a copy which was sent out and that then there was some change made later on by somebody else who went over this document.

THE PRESIDENT: Since the document has been admitted in evidence as the Prosecution Exhibit 270 it occurs to the Tribunal that perhaps the present present situation could be met by allowing the record to stand with the reservation in favor of the defense to make some enquiry to ascertain whether or not a formal objection will be urged and with the corresponding opportunity for the prosecution to supply such additional evidence with reference to the authenticity of the document as the prosecution may deem proper, after the objection has been made, if one is made. Is that agreeable?

DR. HEINZLER: Your Honor, in the absence of my client I think it my duty to object against the submission of this document as a matter of precaution.

MR. SPRECHER: Your Honor, I think we may be able to shed a little light to assist you before we go any further. I would ask that you look at the copy of the German document HI-7136 which has already gone in evidence as Prosecution Exhibit 267. Now, this is a similar document. You will note the secret stamp. Your Honor, will you note a number of things about this document which are similar to the document in question. The

"echoin" stamp, that is, the "secret stamp." The nature of the initials and the writing over on the left-hand margin; the nature of the entry at the bottom of page one. If you compare that you can see that the same handwriting is involved there. I don't wish to hold myself forth as an expert on the form of German correspondence but it does seem to me there is a most unusual similarity in the form which the stenographer used in bringing out points. Roman I, Roman II, and Roman III on these two documents which are entirely different as far as contents are concerned and in the way the headings are made on 7126; "Schwefel", which is sulphur, is underlined and over on the other one 7126 you will find "Schwefel" again underlined. And then if you would turn to the last page you find exactly the same kind of stenographic indications with the person who dictated the letter indicating the initials "Dr. Ry," and then, of course, the dash and the stenographer's initials "BR" being the same on both. Now, since these files, your Honors, were found in the files of only one of the agencies represented here it seems to us highly unlikely that this would be a draft but rather a copy of the document itself.

THE PRESIDENT: I think we can save a bit of time with this conclusion. On the basis of the showing made to this point, the Tribunal would not be disposed to sustain if it was required to act now on a motion to strike this document from the record, but, on the representations that have been made by counsel for the defendant that he has not had an opportunity to consult with his client, the Tribunal is going to pass the matter, with the understanding that counsel for the defendant may subsequently, if he so desires, renew his motion and present what he thinks is pertinent to the question, and then the Tribunal will pass upon the matter.

MR. SPRECHER: The prosecution wants to express its appreciation to Dr. Heinzler for pointing out the crossed part, because the document did not represent a true representation -- really a true copy of the original, and if he hadn't done that it wouldn't have been brought to Your Honor's attention.

Now, we have only two or three more documents.

NI 4980, which may go in as Prosecution Exhibit 271, with the permission of Your Honors, is a circular letter of Vermittlungsstelle-W which was sent to the nitrogen sales department of Farben on 11th of April 1940. It incloses and forwards certain security and counter-intelligence measures which are to apply to war important plants during the war. This is brought out principally to show some of the functions of the Division A of Vermittlungsstelle-W which was set up as a security organization rather late in the day.

NI 6633, which I would like to mark in as Prosecution Exhibit 272, is a file note by Vermittlungsstelle's Dr. Dieckmann, as late as 1 May 1942. The tenor of that document is that Vermittlungsstelle-W made a thorough investigation and report on security measures for special plants in Northern France. This ties over into spoliation and Count II of the indictment, of course, but it does indicate that Vermittlungsstelle-W was not only useful in the preparatory steps but, later on, even in carrying out war beyond the frontiers of Germany.

NI 2543, which may go in as Prosecution Exhibit 273, is an extract from a letter from Vermittlungsstelle-W. This indicates that Vermittlungsstelle-W received certain questionnaires which had been filled in by the Farben plants and it shows the types of manpower which was billeted in barracks. To some extent, Vermittlungsstelle-W was used during the war in connection with manpower problems and hence got tied over into the slave labor program, as we said, to some extent.

Document NI 6506, Prosecution Exhibit 274, is a letter from Vermittlungsstelle-W to Farben's Hoechst plant, dated the 8th of June, 1943. This shows that Vermittlungsstelle-W was still acting as an informing agency between the Wehrmacht and Farben plants. The letter shows the division of Farben plants as to which ones of them fall directly under the Goebbeln, that would be the defendant Krauch, and which fall under the Reich Economic Ministry.

The next document, NI 6283, which we would like to offer as Prosecution Exhibit 275, is a letter from the IFO to the leaders of NW-7, as late as the 11th of September, 1944, which indicates that Vermittlungsstelle-W, and the Office of the Technical Committee (TEA Buero), being the Office of the Technical Committee of the Vorstand, will act as a central liaison on general questions of manpower, traffic, packing, etc.

The next exhibit I would like to put in evidence is Prosecution Exhibit 276. That is NI Document 7748. This is a letter from Vermittlungsstelle-W to the head of various Sparte offices, as late as the 5th of March, 1944, and this letter indicates that a Vermittlungsstelle-Nord, a Liaison Office-North, was being established in Norway to act as a central liaison office for specified problems. In other words, the experience of Farben in gearing itself to the requirements of the Wehrmacht before the war in Germany, with the assistance of Vermittlungsstelle-W, it apparently had a certain practical value in one sense, in the view of the prosecution, in that Farben was going to try a similar liaison type of organization in connection with the exploitation of Norway during the war.

Now, that concludes the materials which principally bear on J-B which we think it advisable to present at this time.

There is one document here which should go in now. That is NI 6632 which we would like to mark in as Prosecution Exhibit 277. This has to do with the destruction of Vermittlungsstelle-W files. It's an affidavit by Mr. Meilbrunn - he is one of the research analysts on the staff of the prosecution - and he indicates in that affidavit that he went through the files at Leverkusen and that he ordinarily found a certain number of documents concerning Vermittlungsstelle-W in these files quite often until he came to the crucial period - 10 August 1939 to 9 September 1939. The prosecution, by no means, intends merely to rely on that one affidavit. As soon as we can process some more we desire to indicate to you that we are at an extreme disadvantage in presenting, we think, all the incriminating evidence to you because of the destruction of so many files of Vermittlungsstelle-W. In that connection, and we wish to emphasize this again, we have had to rely a great deal on the Hochtst files and those files were found in the basement of the bombed out building and, therefore, I think, were unintentionally reserved for the prosecution.

Your Honors, that concludes the presentation of these materials.

THE PRESIDENT: Just a moment, please.

Now, with the reservation that the Tribunal has made relative to the prosecution's exhibit 270, that completes the presentation of the documents contained in Books VIII, IX and X. Is that correct?

MR. SPEECHER: Yes.

THE PRESIDENT: Then, in line with the understanding that the Tribunal had with representatives or counsel for the prosecution and the defense during the recess hour this forenoon, the Tribunal will now stand in recess until next Tuesday morning at 9:30.

The Tribunal will now rise.

(A recess was taken until 0930 hours, 9 September 1947).

Official Transcript of the American Military Tribunal in the Matter of the United States of America, against Carl Krauch et al, defendants sitting at Nurnberg, Germany, on 9 September 1947, 0930, Justice Shake, Presiding.

THE MARSHAL: Persons in the Courtroom will please take their seats.

The Honorable, the Judges of Military Tribunal VI.

Military Tribunal VI is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: Mr. Marshal, are the defendants in the dock?

THE MARSHAL: May it please Your Honor, all of the defendants are present with the exception of the defendants Wurster and Brueggemann who are absent through illness.

THE PRESIDENT: A formal order has this day been issued severing the charges against the defendant Max Brueggemann for purposes of trial from the charges against the other defendant in this proceeding but retaining the charges against said Max Brueggemann on the docket of the Military Tribunals as a separate cause for trial hereafter if the physical and mental condition of said defendant shall permit. The Tribunal deems it proper to state for the record its reasons for the action so taken.

Under date of 16 June 1947 counsel for the defendant Max Brueggemann addressed a letter to the Secretary General of the Military Tribunals requesting that the proceedings against the defendant Brueggemann be temporarily quashed or in the alternative that a severance from the trial of the other defendants be directed. The letter also requested that the defendant be released from custody and permitted to return to his place of residence. These requests were based upon medical examinations and reports stating that the defendant Brueggemann is suffering from advanced arteriosclerosis, extreme hypertension, and expressing the medical opinion that there is considerable probability that any

excitement or physical exertion, such as incident to attending this trial would likely result in his having apoplexy with paralysis, or otherwise result in his death, due to his advanced cardiac condition.

Subsequently, by motion dated 24 June 1947, the Chief of Counsel for War Crimes, acting on behalf of the United States of America, expressed the opinion: ".....that considering the physical and mental condition of the defendant Drueggemann as set forth in the medical reports above referred to, it would not serve the interests of justice to try the defendant Drueggemann at this time. It is recommended that he be hospitalized or released conditionally to his home under surveillance." The motion on behalf of the prosecution also prayed: "..... That an order be entered herein postponing for an indefinite time the proceedings against the defendant Max Drueggemann, but directing that the charges in the indictment against him shall be retained upon the docket of the Military Tribunals for trial thereafter if the physical and mental condition of the defendant should permit."

On 14 August 1947, at the arraignment, following statements made by the prosecution to the same effect as above stated, the Tribunal directed that the Trial of the defendant Drueggemann be postponed until such time as he could be present or, in the alternative, until the further order of the Tribunal.

By a subsequent medical report filed with the Tribunal it appears that there has been no change in the condition of the defendant Max Drueggemann and that he is not in a physical condition to stand trial at this time. Under these circumstances the Tribunal is of the opinion that the order this day entered is a proper disposition of this matter.

The Prosecution may proceed.

MR. SPEECHER: May it please the Tribunal, first we would like to outline very briefly the planned order of trial for the next few days.

This morning, as we have indicated before, we planned to call the witness Dr. Hans Wagner in connection with the affidavits he has given concerning the facts relevant under Count 1-B. The witness Wagner was a witness to events which are also relevant under one or two of the subsequent sections of Count 1 and he has given some affidavits in connection with this court but as an official of Vermittlungsstelle W we thought it advisable that he be called now in connection with Count 1-B. The witness will be readily available in connection with the subsequent sub-sections of the counts if the prosecution, the defense or the Tribunal should want him to be called.

Your Honors will recall that two witnesses which we planned to call have not been available for one reason or another, or we have postponed their being called for one reason or another, and we have hesitated to pass from Count 1-B without presenting at least one witness to the facts. Now, after the witness Dr. Wagner we plan to go forward with materials bearing on the positions held by the defendants in the economic, political and social life of Germany which are principally listed in Appendix A of the indictment. For the time being we plan to introduce into evidence only those documents on this subject which are found in Document Book 11. We do not anticipate that that will require more than half an hour or an hour. Thereafter, with your permission, we shall introduce materials on the history and organization of I.G. Farben which we feel relevant for support of all counts and of greatest importance in evaluating the individual roles played by the respective defendants in the crimes alleged.

The documents will be found in Document Books 12, 13, 14, and 15. We are informed that most of these document books in the German were delivered to the Defense Center for the defendants' use and the use of the defense counsel before the week-end, whereas, most of the English copies were delivered yesterday, except one, Book 15, which we

trust will be available before the end of the session today. If not it will certainly be available early tomorrow and before we reach that book in the presentation.

Because the defendants von Schnitzler and Ilgner have subscribed to an extraordinary amount of information which has some bearing on several of the counts, and because some of these documents keep recurring again and again a very great problem of reproducing sufficient copies for the recurring document books arose. At the suggestion of Mr. Fred Niebergall, Chief of the Document Control Branch, Evidence Division, we have included most of the affidavits of these two defendants in separate document books, Book 16, Schnitzler, and 17, Ilgner. The prosecution will attempt to inform the Tribunal and the defense in advance when documents from these document books will be referred to in the session so that you can bring your copies into the Court.

Now, after the materials on the history and organization of I.G. Farben, we plan to call General Morgan to testify on his experiences as a member of the Allied Control Council after World War I with special reference to the chemical industry of Germany. Our plan is that he should appear Thursday. There will be no affidavits in connection with that testimony. The entire testimony will be in Open Court.

With your permission we should then like to call the witness Dr. Hans Wagner.

DR. HANS WAGNER, a witness, took the stand and testified as follows:

THE PRESIDENT: The witness will hold up his right hand be sworn as a witness. Do you swear by God, the Almighty and Omniscient, that you will speak the truth, the pure truth and will withhold and add nothing? You will say I do.

THE WITNESS: I do. (the witness repeated the oath)

DIRECT EXAMINATION

BY MR. SPEECHER:

Q Dr. Wagner, will you state your full name for the record?

A My name is Hans Martin Helmuth Karl Wagner.

Q And will you give your present address?

A I am at present residing in Neumarkt in the Upper-Pfalz in Parkstrasse, 52.

Q And what was your address during the recent war?

A During the war I lived in Berlin at Lichterfelder, Holbeinstrasse, 41.

Q What is your birthdate?

A I was born on 9 July 1903.

Q And your birthplace?

A I was born in Frankfurt on the Main.

Q And what is your profession?

A I am a chemist by profession.

Q Where did you obtain your Doctor's degree?

A At the University of Frankfurt on the Main.

Q Did you receive any education abroad?

A Yes, I visited school in Poland for two years.

Q Where were you during the first World War?

A During the first World War I was in Posen.

Q That's in Germany?

A Yes, in Germany.

Q And you were studying at that time?

A Yes, I visited school there.

Q Were you ever employed by the I. G. Farbenindustrie?

A Yes, I was an employee of the I. G. Farbenindustrie from 1928 until 1945.

Q And what was your position or where were you employed by I. G. Farben before February 1938?

A From November 1928 until February 1938 I was a laboratory chemist at the Hoechst Works of the I. G. Farben in the inorganic department.

Q And what was your position thereafter in I. G. Farben?

A In February 1938 I went into Vermittlungsstelle W as a chemist. That was in Berlin.

Q And how long did you remain there?

A I remained at the Vermittlungsstelle until the end of the war.

Q Did you know any of the details of the organization of Vermittlungsstelle W before February 1938?

A Yes, I knew about the existence of Vermittlungstelle W already at Hoechst.

Q Did you know any of the detailed workings of the organization?

A I was informed at Hoechst in broad outlines about the tasks which Vermittlungsstelle W had since I, myself, had to cooperate with that agency.

Q Who notified you of your appointment to Vermittlungsstelle W in 1938?

A I was appointed to Vermittlungsstelle W by Dr. von Bruening and Dr. Struss.

Q Dr. Struss is the Chief of the Office of the Technical Committee; is that correct?

A Yes, that's correct.

Q Could you name the defendants which you met between 1928 and 1945?

A Yes.

Q Just a minute; we will give you a copy of the first page of the indictment.

A During the time you mentioned I met the following gentlemen: Heinrich Hoerlein, August von Krierem, Fritz ter Meer, Otto Ambros, Ernst Buergin, Paul Haeffliger, Max Ilgner, Friedrich Jaehne, Hans Kuehne, Karl Lautenschlaeger, Karl Wurster and Erich von der Heyde.

Q Would you say you had been a personal friend of any of the defendants or did you meet them entirely in a professional connection?

A I met these gentlemen only within the framework of my professional activities.

Q Now, did you at any time come to belong to any of the affiliated organizations of the NSDAP, the Nazi Party?

A Yes, April 1934 I transferred from the Stahlhelm into the SA Reserve and there in November 1938 I was dismissed.

Q Did you ever become a member of the Nazi Party?

A Yes, January 1939, I was accepted from 1 May 1937 as a temporary member of the Nazi Party.

MR. SPEICHER: Your Honor, the witness is being called as a witness to the facts and not necessarily as either a friendly or a hostile witness. The prosecution will limit its examination to factual matters already sworn to under oath by the witness in six affidavits which are already in evidence, or to a few additional matters very directly related to the facts sworn to in the affidavits, principally by way of amplification of a very few portions of these affidavits. We shall take up these affidavits in the order in which they were introduced. To make the record absolutely clear I will state the documents and exhibit numbers of these six affidavits and state the page number in both the

English and the German books for the assistance of your Honor and for the assistance of defense counsel.

NI-8923 is Prosecution Exhibit 142. It's found in Document Book 6, English page 33, German page 56.

NI-8922 is Prosecution Exhibit 169, Document Book 7, English page 10, German page 25.

NI-7768 is Prosecution Exhibit 182, Document Book 7, English page 37, German page 65.

NI-8926 is Prosecution Exhibit 190, Document Book 7, English page 64, German page 112.

NI-8925 is Prosecution Exhibit 247, Document Book 9, English page 57, German page 70.

NI-9364 is Prosecution Exhibit 252, Document Book 10, page 1 of both the English and German Document Books.

The last affidavit, Prosecution Exhibit 252, is an explanation of Document NI-5686, which is Prosecution Exhibit 159. This latter document is a file note which the witness dictated himself on 11 January 1939.

Q Dr. Wagner, do you have copies of each of these affidavits and the document NI-5686, the file note you dictated, now in the folder before you?

A Yes, I have these documents and this file memorandum before me.

Q Each of the affidavits before you notes at the top that you have been warned that you will be liable to punishment for making a false statement. When were you so advised by any of the American investigators or interrogators?

A That was told me for the first time in March 1947.

Q And were you later reminded of the same obligation and the same penalty?

A Yes, I was told about that again later during my later interrogations.

Q When were you first interrogated by me?

A I was interrogated for the first time last week on Saturday.

Q Where you then asked if there were any statements in your affidavit which you now, some weeks after the execution of these affidavits, thought were in error or misleading or which required some further explanation in order to give a completely true picture of the facts?

A Yes, I gave a number of other statements.

MR. SPRECHER: Your Honor, I would propose that the additions or modifications which witness would like to make to be take up in connection with each of the succeeding affidavits so that we keep a good order in the presentations. Is that agreeable?

THE PRESIDENT: Very well.

Q Mr. Witness, the first document we come to then is NI-8923 which is an affidavit in which you have given materials concerning the organization of Vermittlungsstelle W. Would you turn to page two of the original of that affidavit which is in Paragraph 2 just before the entry on Sparte I? Now, I would like to make a brief quote: "As it was not always possible for the gentlemen in Vermittlungsstelle W responsible for the three Sparten to discuss all questions with their respective superior Vorstand member, these discussions were mostly conducted with the Chief of the Sparte Office concerned who, on his part, would discuss the most important points with the Vorstand member concerned." How do you know, Mr. Witness, that the Sparte Chief reported to his superior Vorstand member, that is to say, to the Chief of each of the Sparte?

A I heard that on the occasion of discussions I had with Dr. Struss, Dr. Mayer and Dr. Dieckmann.

Q Who were these gentlemen?

A Dr. Struss was the Head of the TEA Office and the direct superior of the members of the Vermittlungsstelle W for Sparte II. Dr. Mayer represented Sparte III within the Vermittlungsstell W and simultaneously with

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the Head of the Sparte Office of Sparte III; Dr. Dieckmann represented
Sparte I in Vermittlungsstelle W.

Q. Now, Mr. Witness, I refer you to Page 5 of the original affidavit, in the middle of Paragraph 6 of the affidavit. That is on Page 4 of the affidavit in the English.

MR. SPEECHER: Your Honors, in these cases I think we can follow best by noting the page of the original which comes in the break in the page.

Q. There, Mr. Witness, your note something about the meetings of the so-called little "TEA," the little technical committee. You note that representatives from various plants as well as from the Tea and from Vermittlungsstelle participated in these little TEA meetings. Now, can you tell us whether or not the headquarters of each of the principal work combines, that is, the plant at which the headquarters of each of the work combines was located was represented in these meetings of the little TEA?

A. Yes, in these meetings of the little TEA the plants were represented which were the work combines of the I.G.

Q. Was that true for the Work Combine Berlin?

A. No, the Work Combine Berlin did not send any representative to these meetings.

Q. But the other four work combines which were principally under Sparte 2 were represented? Is that correct?

A. Yes, the other four work combines were represented.

Q. Now, in Paragraph 7, you state that the object of the little Tea meetings was to give members of the directorate of the departments and the plants an insight into questions which had been discussed in the Vorstand and the technical committee. Do you know whether or not the Vorstand members knew that these little technical committee meetings were being held?

A. Yes, according to my knowledge the gentlemen of the Vorstand were informed about the holding of these meetings in the little TEA.

Q. Do you have any corrections or additions which you would like to make to your affidavit NI-8923?

A. No, there are no additions to be made by me.

Q. Then will you turn, your Honors, and Mr. Witness, and defense counsel, to NI-8922, Prosecution Exhibit 169? This affidavit principally concerns the handling of patents. Mr. Witness, you state in Paragraph 2 that certain top secret patent matters were not handled with the Reich authorities by Vermittlungsstelle W, but rather by Prof. Hoerlein, Dr. Schrader and Dr. Ambros; and I'd like to ask you how you know this is the fact.

A. When I entered the Vermittlungsstelle W at the end of February 1938, I was informed by Dr. Kolbe, my predecessor, when working on patent matters, that in the patent department at Leverkusen a number of patent reports were entered as top secret matters, and that they concerned inventions from the sphere of work of Dr. Hoerlein and Dr. Schrader in Elberfeld. For reasons of special secrecy they could not be informed about it at the Vermittlungsstelle W.

Q. Did you thereafter take this matter up with any of the defendants?

A. Yes, I discussed this matter once with Prof. Hoerlein in writing, asking him for reasons of completion to send these reports also to Vermittlungsstelle W. Prof. Hoerlein refused to comply with this request and merely made the concession that the numbers of the patent reports concerned be sent to Vermittlungsstelle W by the Leverkusen patent department.

Q. In Paragraph 3 of this affidavit you state that about 1942 Dr. Dieckmann, the Vermittlungsstelle W representative of Sparte 1, no longer had time to look after patent matters because of "honorary" work in the defendant Krauch's office. What do you mean by "honorary" work?

A. Honorary work is the German usage of language for an activity where no remuneration follows from the agency in which one is active.

Q. That is to say that Dr. Dieckmann was not paid by the Reich for his work in the Krauch office but rather was continuously on the payroll of I. G. Farben; is that correct?

A. As far as I know, Dr. Dieckmann during that time was paid only by the I. G.

Q. Now, after that time, that is to say, after 1942, did Dieckmann spend most of his time working for the Krauch office, or most of his time working for "Vermittlungsstelle" or some other branch of I. G. Farben?

A. As far as I know, Dr. Dieckmann from about the year 1942 spent approximately sixty to seventy per cent of his time for the office of Krauch.

Q. Mr. witness, do you have any corrections to this affidavit?

A. No, I have no further corrections to this affidavit.

Q. Could I call your attention to Paragraph 7? I think you mentioned one there.

A. I beg your pardon. Yes, I said in Paragraph 7 that on the 1st August 1939 an order came from the army ordinance office that all permits granted for the overseas delivery of products were to be cancelled immediately. I now have to add that this date of the 1st August is not quite correct. After a number of considerations I was compelled to conclude that only towards the end of August 1939 was this order sent from the army ordinance office to "Vermittlungsstelle" in writing; and I would say that the date was somewhere around the 20th August.

Q. On the middle of Page 4 of the original, later on in this same paragraph, you note that you informed representatives of the sales department chemicals that products on the list of the Export Association of War Equipment, the A. G. K., were to be cancelled. Why did you do that?

A. I did that because it was requested by the I. G. that all current transactions were to be cancelled, and that no further deliveries were to be made abroad.

Q. Did you say that was requested by the I. G. or by the army?

A. That was done by order of the army.

Q If you have no further additions or corrections, we can pass them to the next affidavit, MI-7768, Prosecution Exhibit 172. The subject of this affidavit is certain minutes of the TEKO, or technical commission, engineering commission of I.G. Farben, in connection with air raid precautions. There is also some material on the organization of the TEKO, the technical committee, and the meetings of the plant directors. Mr. Witness, in connection with Paragraph 2, where you refer to certain minutes of the TEKO, did you have available at the time you made this affidavit or just prior to that time all the minutes of the TEKO?

A. No, I had available only those minutes which I mentioned in the affidavit.

MR. SARGENT: Your Honors, we want to make our position clear. We wanted to avoid the necessity of reproducing a great number of documents merely in order to take out the small excerpts concerning air raid precautions; and since the witness was familiar with the subject, we asked him to look through these copies of the minutes and to include the extracts in an affidavit. As usual all the minutes which are available to us in case the defense desires them will be made available to them for checking in case any of these entries make the material appear out of context or in any kind of a false light.

THE PRESIDENT: The Tribunal will recall that that explanation was made at the time the exhibit was offered and introduced into evidence.

Q Mr. Witness, did you know from your own experience that TEKO engaged in matters concerning air raid precautions?

4. The technical commission, as far as I know personally, had the task of concerning itself with air raid precautionary measures with the I. G.

Q Since about what time?

a. approximately since the middle of the year 1931.

Q. Do you know whether or not these air raid precautions had any connection whatsoever with the establishment of the Reichsluftschutzbund, the Reich Airraid Protection Association?

A. As far as I know, these airraid precautions for industrial firms were not carried on by the Reichsluftschutzbund but the Reichsstand of the German industry.

Q. Do you know when the Reichsluftschutzbund was created?

A. To my knowledge the Reichsluftschutzbund was created in the middle of 1933.

Q Did any of the officials of I.G. Farben publish materials on airraid protection which were circulated broadly in the Reich in the early years of the Nazi regime?

A Yes, I know that Dr. Ritter and Dr. Pfundler, together with a physician who did not belong to the I.G., Dr. Borlet, published a book with the title, "Physician and Airraid Precautions."

Q Did Dr. Ritter have close associations with important leaders in the army of the Wehrwirtschaftsstab of the High Command so far as you know?

A Yes, as far as I know, Dr. Ritter had close contact with General Thomas, the head of the Military Economy Staff of the OKW.

MR. SPRECHER: Your Honors, I would like to point out a correction in the translation in the English. It is at Page 5 of the original, which is over on Page 4 of the English translation, immediately under Page 5 of the original. "B. The technical committee of I.G. TEA was formed in 1934 and consisted of nine members of the Vorstand." That is incorrectly translated. What the witness stated was the following: "The technical committee of I.G. TEA, in 1934 contained nine members of the Vorstand."

Q Mr. Witness, you know that the TEA had been in existence for some years before 1934?

A Yes, I know that TEA was created in the year of 1926.

Q Did you visit many or most or any of the plants of I.G. Farben before 1945?

A You mean before 1945, do you?

Q Yes.

A Before the year of 1945 I visited a large number of the I.G. plants.

Q In what official connection?

A I did that in my capacity as a member of the Vermittlungsstelle W, in particular with reference to my activity in the field of patents and in the field of development questions of Sparte 2.

Q To whom did you ordinarily report when you visited a plant? Or, if there were several types of personalities to whom did you report, will you briefly outline the positions of the persons to whom you would report?

A Yes. On the occasion of visits to the plants, I generally visited the head of the plant personally, and I told him about my intentions. Then I carried on negotiations with the heads of the patent departments of the large I.G. plants and finally with the inventors of new procedures in the plants and the laboratories of the I.G.

Q Tell us whether or not from time to time various officials in the plants discussed with you materials which they said were being taken up in the meetings of the technical directors of the plants.

A Yes, that is quite correct. The younger gentlemen of the technical direction whom I met frequently during visits to the plants, told me occasionally about such technical direction meetings.

MR. SPRECHER: Your Honors, there is one further error in translation which I would like to point out on Page 6 of the original. This is indeed an error which it is very easy to commit, the reason being that TEK0, which I think we shall use to refer to Technische Kommission, or engineering committee, or technical commission, must be distinguished from Technischer Ausschuss, or technical committee. If you will look at the chart on the wall at the front of the hearing room, you will see the TEK0 over on the left-hand side and above and slightly to the right the technical committee. On Page 6 of the original, Paragraph 4, in the fourth line, there is a reference to "technical committee," and that should be to the engineering committee or to the TEK0.

Q Mr. Witness, do you have any corrections or additions to make beyond what you have already noted in connection with this document?

A No sir, there are no further additions I can make.

MR. SPRECHER: The next document, your Honors, is NI-8926, Prosecution Exhibit 190.

THE PRESIDENT: If you will pardon me, are you correct in saying 8926, or is it 8925?

MR. SPRECHER: 8926, I'm sorry if I misspoke it.

THE PRESIDENT: No, you so stated.

MR. SPRECHER: The next one will be the one your Honor referred to; but before we get to that, there is the very short one, 8926. The subject

of this affidavit is the Planungsspiel, the map exercises for war games.

Q Mr. Witness, in Paragraph 2 you mentioned that Dr. Ritter or Dr. Krauch introduced the war games or table or map exercises. What led you to that view?

A I know that on the basis of personal discussions which I had with Dr. Ritter and Dr. Pfaundler.

Q Dr. Pfaundler was also on the staff of Vermittlungsstelle W?

A Yes. Yes, Dr. Pfaundler was active in Vermittlungsstelle W where he worked with Dr. Dieckmann with reference to questions concerning Sparte 1 of I.G.

Q Now, in Paragraph 3 you state that the airraid precaution measures were taken upon the order of the Reich, whereas the war games or map exercises were not undertaken upon the order of the Reich. What led you to that view?

A In the Vermittlungsstelle by studying the files which were there I tried to acquaint myself with matters which were going on in Vermittlungsstelle W before my presence there. On these occasions I found no basis in the files for believing that an order had ever been issued on the part of the State to the effect that these map exercises be carried out.

Q Did you discuss that point with any of the other representatives of Vermittlungsstelle W or Sparte 1?

A Yes, I discussed this with Dr. Pfaundler

in particular, but I received no other information from him.

Q Do you have any further corrections you would like to make at this time, Mr. Witness, to the affidavit NI-8926?

A No, there is nothing I have to add or correct.

MR. SPRECHER: Your Honors, we then come to NI-8925, which is Prosecution Exhibit 247; and it is concerned principally with mobilization plans. With your permission I would like to read rather fully from this affidavit so that it is clearly before all of us in the Tribunal this morning. In our view it is a rather concise statement of the developments concerning mobilization plans; and I believe it ties together rather well a lot of the documents which have already come to the attention of your Honors; and it will have some relation to other documents which will come in in connection with the documents principally bearing on some of the subsequent sub-sections of Count 1.

"Vermittlungsstelle W forwarded the requirements of the Wehrmacht, or rather of the Reich Office Chemistry, to the department of technical directors of the various works, and the mobilization executives of the individual plants then developed detailed production schemes for the event of mobilization. The mobilization production scheme of each individual plant was then adapted to the mobilization production schemes of other plants by the technical committees concerned, such as the Sulphur Committee, the Chlorine Committee, the Solvents Committee, etc. The aim of this adaptation was to see to it, that in the event of mobilization each plant would be supplied by the other plants with the basic and preliminary products necessary for its war time production. The production schemes were then sent to the Vermittlungsstelle W and from there forwarded to the Reich Office Chemistry."

How did the plant manager, as far as you know, know that the mobilization scheme, after adaptation would become binding upon his plant and upon I.G. Farben?

A. Yes, as far as I know the plant managers must have been informed of that.

Q. Do you know whether or not the Werkleiter, the Works Manager, had to give his approval to the proposed scheme or plan?

A. Yes, that was necessary as far as I know.

Q. Did any of the directors of Vermittlungsstelle W, so far as you now recall, state that the plant manager had such a responsibility?

A. Yes, on frequent occasions the significance of these mobilization plans was discussed in the Vermittlungsstelle W and we could deduce from these discussions that the plant managers were informed about it.

Q. Quoting again:

"On the basis of the production plan a meeting was then arranged for each individual plant at the Reich Office Chemistry between repre-

representatives of the OKW, the Reich Ministry of Economics, the Reich Office Chemistry, the Vermittlungsstelle W and the plant in question. These meetings usually lasted one day for each plant. At the end of the meeting a decision was reached on the individual points of the production plan, and, as far as I remember, it repeatedly happened that the I.G. representatives out-voted the representatives of the OKW and succeeded in gaining their point. On the basis of the decision, the mobilization plan for that plant was then declared binding."

Mr. Witness, did you personally attend any of the meeting which you described in the paragraph I have just read between the various Reich authorities and representatives of I.G. Farben?

A. Yes, I personally, as far as I remember, participated in three of these meetings, at which time production plans were discussed for the plants Bitterfeld, Wolfen and Leverkusen and Ludwigshafen-Opplan were discussed.

Q. That was Ludwigshafen?

A. Yes, Ludwigshafen.

Q. Quoting again:

"4. The mobilization plans were drawn up from year to year."

Mr. Witness, do you mean to say by that sentence that after 1937 and 1938, each year where a mobilization plan had been drawn up for a plant, it was reviewed and then either reestablished or else a new plan was put into effect for each plant?

A. No new plans were put into effect, but the already existing plans were subject to a reviewing by the authorities and the corrections which resulted therefrom were finally accepted as final.

Q. Quoting again paragraph 5:

"The I.G. did pioneer work in regard to the drawing up of the mobilization plans. While the Reich Office Chemistry bases..."

That should have been "based" the past tense.

"....based their work merely on the production plans for each plant

the 2.3. developed complete plants, which laid down for each product the production plant, the processing plant and all others concerned."

This is plans not plants as it is translated.

Dr. Polckmann.

DR. POLCKMANN: (Counsel for defendant von Knierim.) Your Honor, may I just make a short remark with reference to procedure. My name is Polckmann. The witness has submitted a number of affidavits. He has now been called here as a witness in order, as the Prosecutor said, to make a few supplemental explanations with reference to these affidavits. It has now, however, become evident to me that we are not only concerned with comments to this affidavit, but we are concerned with something entirely different, increasing intensively. The full wording of the affidavit is being read to the witness, thereby the impression is being created as if the witness were being tested, if he would really confirm what is being read to him. Now, that however is not the case.

In my opinion it is not admissible from the point of view of procedure to read an affidavit to a witness and then merely have him say "yes, that is right, that is my testimony." We must clearly distinguish here either we are submitting an affidavit of the witness, or a witness testifies. What the prosecution is doing here at this time, is testimony in a form, which is definitely not admissible. From this fact a further problem arises. After the conclusion of this examination by the prosecution, the defense will be asked to cross-examine the witness. The defense does not intend to cross-examine the witness today. In reality we only have an affidavit of the witness available and it is customary in the case of all Tribunals here that after the submission of the affidavits, cross-examination by the defense is permitted and at the time defense delivers their submission of evidence.

This was customary in the case of all Tribunals which sat here

and it has its good reasons. After the entire submission of evidence on the part of the Prosecution has been concluded, the defense is only in a position to survey what questions are to be put to the witness in cross-examination. I therefore state that we are not really here concerned with a proper questioning of the witness, but we are merely concerned with the submission of an affidavit, which is being supplemented by this witness in very unimportant points. The entire contents of this affidavit, which is very important for the defendants, is available only in the form of an affidavit and not as the prosecution would like to have it, in the form of testimony of the witness.

What the witness has said, he did not say freely in free speech, but it was merely put to him, it was put to him on the basis of these affidavits. What ever he said extemporaneously compared with the contents of the affidavit bears very little importance. This therefore cannot lead us to consider this gentleman is here as a witness and the defense therefore cannot be forced to start cross-examination immediately.

MR. SPRECHER: May it please the Tribunal, I really feel somewhat speechless at this point. I am rather astounded at some of the remarks of Dr. Polckmann, because I think he should have known better.

He will recall that during the first trial, the witness Dr. Blaha was put on the witness stand, and again as I tried to indicate this morning, the prosecution made a suggestion as to an orderly way as to doing our business here. Dr. Blaha's affidavit was ready by Mr. Thomas Dodd, after a foundation had been laid, and thereafter the witness Blaha was submitted for cross-examination. I think Dr. Polckmann's reference to the practices here is general, my reference is to a specific case. Now I will pass from certain inferences again which I feel were in some of the remarks defense counsel made.

Your Honors will recall the suggestion I made as to the procedure

I would follow in a written memorandum, copies of which were served upon the defense administrator and beyond that, this morning I indicated the general procedure. Now it may be that in many cases it will be more agreeable to the defense and perfectly agreeable to the Prosecution or whether or not agreeable to the prosecution-Your Honors may wish to direct that in many cases the cross-examination be made during the case of the defense, but we feel and we feel that defense counsel knows, that we have to have some leeway in connection with the ordering and of the proof. We shall expect they will request and we hope we will be able to grant them in most cases the same leeway in connection with presenting their own individual cases of defense.

THE PRESIDENT: Is Counsel through?

MR. SPRECKER: Yes, Your Honor.

THE PRESIDENT: It occurs to the Tribunal that there is some merit in the objection made by counsel for the defense. So far as these affidavits are concerned, they speak for themselves unless there is some contention that there are errors in the documents or that some parts may not clearly express the intention of the affiant and certainly the prosecution ought to have an opportunity to give the witness the opportunity to make such corrections. Beyond that, if the purpose of the prosecution is to go into any matters, it is the feeling of the Tribunal that it would be well to separate or segregate that from the consideration of the affidavits. For this very practical reason and with the difficulties of language we are all suffering from, it is some handicap for counsel for defense to cross-examine a witness until they get the transcript of the evidence. Insofar as it is possible, we think it would be better in the interest of orderly procedure if the prosecution would see to it to limit its present inquiry to such matters as need correction or amplification and then if the witness is to be examined independently as to matters not in the sphere of the affidavit, that may be done in such a way that will afford counsel for the defense an orderly opportunity for cross examination.

Manifestly, we cannot adopt iron-clad and definite rules, but common sense must prevail at least. But counsel of the prosecution will confine themselves to that line as far as practical, I think we can save time and get this going in orderly procedure.

MR. SPRECKER: Your Honor.....

DR. BOETTCHER: I beg your pardon, Mr. President. Dr. Boettcher, I did not quite understand your last few sentences from the translation. If you will be good enough to repeat the last few sentences it will come through.

THE PRESIDENT: What the Tribunal undertook to say was it would perhaps be in the interest of orderly procedure if the present examination

was limited, as far as practicable, to affording the witness an opportunity to make such corrections as he desires to make with respect to the affidavits or such amplifications of language as he deems are necessary to express his ideas and that if counsel for the prosecution wants to examine the witness on other matters, not appearing in the affidavit, that perhaps should better be segregated from the present inquiry so that it may stand alone and so that counsel for defense have an opportunity to see a transcript of the testimony before proceeding with other matters not appearing in the affidavit.

DR. BOETTCHER: Thank you.

MR. SPRECHER: Your Honors, I had thought that my questions did relate to very specific points in the affidavits and I shall certainly try to confine my questions exclusively to such points from now on.

On page 4 of the original, do you have any addition or correction which you would like to make in connection with the statement which you made there concerning your anticipation of the conflict in the year 1939?

THE WITNESS: Yes, I would like to give you some more detailed information as to what led me to this assumption. Because of my activities in the Vermittlungsstelle W in the field of development work, which was carried on by the Wehrmacht in collaboration with the I.G., and also in connection with my work on patent questions, I had repeated occasion to discuss matters with officials and officers of the Wehrmacht. These discussions generally took place in the offices of the Wehrmacht, not in my offices. It frequently happened that in addition to the actual subject of the discussion other matters were talked about which did not directly belong to my professional activities. This was done confidentially. Very often I could not avoid being a witness in the conversations carried on by numbers of officers or that I was present during telephone conversations, which these gentlemen carried on these occasions. In the course of a number of weeks, I learned that certain

troop movements were going on, but I could not clearly learn their exact plan. I could not learn what their exact aim was. Furthermore I learn about more of these troop movements on the basis of certain development work which was carried on by the Wehrmacht in collaboration with I. G. Certain tests were to be carried out with I. G. products, but they had to be postponed because the formations which were necessary for the carrying out of these tests had changed their home station for unexplained reasons.

I can give you an example as I particularly recall the transfer of a construction unit which was stationed at Königsbrück near Dresden, who were to test a number of products of I.G. These tests had to be postponed and finally cancelled altogether.

Beyond that, I also recall that tests of smoke-buoys for the Navy had to be postponed because of the fact that the units were transferred. I think it is necessary for me to add that to my affidavit.

BY MR. SPRECHER:

Q In paragraph 8, which is on page 5 of the original, you state that both the Works Manager and the competent commercial person in Frankfurt signed contracts for war-time supplies. Did you receive any copies of these contracts for war-time supplies or have access to any of these contracts?

A Copies of these contracts almost exclusively were sent to Vermittlungsstelle - W. In many cases the Vermittlungsstelle-W also received information from the Wehrmacht when they were asked to draft and conclude such contracts and that is how they were informed.

Q Do you know why both the Works Manager and the competent commercial person in Frankfurt did sign the contracts for war-time supplies?

A As far as I remember the signing of every war product contract was carried out by the Works Manager and the competent negotiating party of the Wehrmacht.

Q I am not certain if I understood you correctly or if the translation came through correctly. My question was; do you know why both

the technical leader of the Works and the competent commercial person in Frankfurt signed the contracts for war-time supplies?

A Yes, I do know why these contracts were signed. The Wehrmacht demanded these signatures from these two gentlemen because the Wehrmacht believed this would make the contract more binding if the technical producer, as well as the commercial person, certified bindingly that the I. G. actually recognized this contract.

Q Your Honors, on M. I. 9364, I have nothing further to bring out. Mr. Witness, do you have any correction to M.I.-9364.

A Would you please repeat the number of these affidavits? You mean M.I. 9364, no, I have nothing to add.

Q I neglected to ask you the same question with regard to the previous affidavit, M.I. 8925, do you have anything further to add to that affidavit and the statements made therein?

A No, I have nothing further to add to that affidavit either.

THE PRESIDENT: This perhaps would be a good time for us to take our recess. The Tribunal will now rise.

(A recess was taken.)

y Sept 47-8-1-4-ASH-Stone (K Von Schon and Rammler)

THE MARSHAL: The Tribunal is again in session. The defense may cross-examine.

DR. PELCKMANN: Dr. Pelckmann. Mr. President, as far as I am concerned I only want to make the following suggestion: It is my opinion that we now have an affidavit of this gentleman before us. This gentleman did not make these affidavits subject of his testimony, nor did he receive them. He merely made a number of supplementations to these affidavits in the form of witness testimony.

THE PRESIDENT: Defense counsel--pardon the interruption; we're having a bit of difficulty with our phone system here. Judge Hebert's earphones appear to be dead. Thank you, counsel: You may proceed.

DR. PELCKMANN: Dr. Wagner has submitted an affidavit. This affidavit is only available to us in a written form. Dr. Wagner today, upon request of the Prosecution, made a number of supplementations to this affidavit by way of witness testimony. If, Gentlemen of the Tribunal, we only had this affidavit before us it would be the custom with these tribunals, if I may be permitted to put it to you that way, that Cross-examination by the defense about this affidavit takes place either at the end of the submission of evidence on behalf of the Prosecution or in connection with the submission of evidence on behalf of the defense. Personally, as a defense counsel, I should like to make use of this right in the future. Because of the fact that the witness made a number of oral supplementations to his affidavit in his testimony today, I don't think that I have lost this fundamental right. The witness, at the end of the submission of evidence on behalf of the Prosecution or in the course of the submission of evidence on behalf of the defense, will be at our disposal and, as it is customary, will be available to the defense or to me in person. I, therefore, ask that I be given the right to reserve the cross-examination until such time as either the submission of evidence by the Prosecution is concluded or during my own submission of evidence.

9 Sept 47-8-2-M-ABH-Stone (Rammeler and Von Schon)

THE PRESIDENT: The Tribunal is not impressed with the thought that there has been any substantial departure in the testimony of this witness from the text of the affidavits that are in evidence. There have been some slight modifications of dates in a few instances, some instances of amplification of the testimony that is more or less incidental. We do not feel that the counsel for the defense have in any way been taken by surprise or confronted with a novel situation so far as the oral testimony of this witness is concerned. We thought we understood that counsel for the defense would cross-examine this witness as to the affidavits at the conclusion of the examination of the counsel for the Prosecution, and we really see no reason for departing from that understanding if we are correct in that regard, in view of the fact, as we have tried to point out, that we see no substantial departure from the main features of the affidavits. Now, if there is a recognized practice that counsel for the defense, under these circumstances, may postpone the cross-examination until later, we're not advised of it; and, in fact, we have been laboring under the impression that you would cross-examine at the conclusion of the testimony of the witness in chief. What have you to say about precedents of these tribunals with respect to the postponement of the cross-examination of a witness who testifies relative to an affidavit?

DR. PALCHMAN: Mr. President, if it is a witness who actually makes a testimony, it is customary here that cross-examination take place immediately following examination in chief. It is my opinion, however, that this witness did not give any witness testimony, at least not regarding the essential points as they are contained in the affidavit. If he was to give testimony here, in my opinion, the points which are discussed in the affidavit have to be mentioned by him extemporaneously.

THE PRESIDENT: It seems to the Tribunal that if it is the recognized practice that cross-examination shall immediately follow

9 Sept 47-6-3-4-A3H-Stone (Rammeler and Von Schon)

the examination in chief, there's all the more reason why that should not obtain where counsel for the defense has had the benefit of the opportunity to study the affidavit, and you've had it in your possession for some considerable time. We're inclined to the view that counsel should proceed with the cross-examination of this witness with respect to the affidavits about which he has testified.

DR. BUSTICHER: Mr. President, in view of the opinion uttered by the Tribunal, I'm prepared to start cross-examining the witness Wagner regarding those points which were subject of his affidavits.

CROSS-EXAMINATION

BY DR. BUSTICHER:

Q. witness Wagner, I have a number of questions to put to you which I want to divide according to the significance of your position, in the Vermittlungestelle-W, according to the significance of the Vermittlungsstelle-W as such, and then I intend to go on to individual points with which you are dealing in your affidavits. Point one: questions concerning your position in the Vermittlungsstelle-W. My first question...

A. No,...

Q. Just one moment, please. Let me finish. Did you have a procura in that connection? Let me inform the High Tribunal that in German commercial law "procura" represents a special measure of authorization for business transactions and in itself it represents a particular vote of confidence and in a distinction.

Now, having given you this short explanation, would you please answer my questions as to whether you had this Procura?

A Like all other men in the Vermittlungsstelle W, I had the right to sign for the Vermittlungsstelle W ...

THE PRESIDENT: If the witness will pardon an interruption: it will make for orderly procedure, where the witness can, to simply answer the question yes or no because there are no limitations upon the proper inquiries that counsel may direct to the witness, and if he wishes an amplification he will no doubt follow with a subsequent question.

DR. BOETTCHER: (Counsel for the defendant Krauch): Thank you very much, Mr. President. You were kind enough to anticipate my answer.
BY DR. BOETTCHER:

Q So you did not have "procura"?

A No, I did not.

Q The next question. Did you have a so-called authorization to conduct business transactions?

A No.

Q You did not. If I may make another short explanation for the benefit of the Tribunal: this is the second degree, as it were, of an authorization to conduct certain business transactions. This is paragraph 54 of the German corporate law code, and also represents a certain distinction of the person concerned.

In other words, you did not have this authorization, did you?

A No.

Q What kind of an authorization to sign did you have?

A I had the right to sign for Vermittlungsstelle W.

Q To what did this right refer? Did this right refer only to signatures within the framework of the I.G. -- which means that you were not permitted to sign any letters directed to the Wehrmacht or directed to any other person outside I.G. Farben?

A This right was not limited. It referred not only to I.G. but to all other agencies with which Vermittlungsstelle W had anything to do.

Q Now, Dr. Wagner, I do not quite understand your answer because if you had the right to sign letters directed to third persons, then you would have had to have much larger authority than the members of the Vorstand themselves, who, in turn, could only sign to a second party.

A May I explain that? All members of the Vermittlungsstelle W, as far as I know, from the origin -- that is, the foundation of Vermittlungsstelle W -- had the right to sign the letters of the Vermittlungsstelle alone -- not: "I.G. Farbenindustrie Aktiengesellschaft", but only: "Vermittlungsstelle W." From the very beginning until the Vermittlungsstelle W was dissolved all the men had this right, without exception.

Q Thank you very much. This is an authority to sign only with regard to the mediating activity

of the Vermittlungsstelle?

A Yes. This did not include legal obligations binding upon I.G. Farbenindustrie. These had to have two signatures of the men who had Procura or other authority.

Q Thank you very much. The next question is about your personal position. Who was your superior? Just one moment. Pause after every question.

A My superior was Dr. Struss; his superior was Dr. Ter Meer.

Q What was your contact with Dr. Ter Meer?

A While I belonged to Vermittlungsstelle W, from February, 1938 until April, 1945, I had one personal conversation with Dr. Ter Meer.

Q Did I understand correctly? One, or none?

A One.

Q What was the interest of the Vorstand in those matters which were carried out in the Vermittlungsstelle?

A The Vorstand, in part, negotiated personally with the experts of Vermittlungsstelle W and in part through the head of the Sparte offices. They were informed about events in Vermittlungsstelle W.

Q Now, you just told me that throughout the entire period, up to the year of 1945, you spoke to Dr. Ter Meer only once. Does this not show that there was a very small interest which the Vorstand had in the Vermittlungsstelle W?

A Yes, that is my opinion, that the interest was slight.

Q That brings me to the next complex of questions, the significance of the Vermittlungsstelle, generally.

Dr. Wagner, perhaps I can make myself clear to you if I use a slogan in that connection. The Vermittlungsstelle W was -- and please don't take this personally -- a qualified mail and mediating agency, where the individual threads coming from the ministries etc., were led to the many plants and fields of interests of the I.G. Farben, and where they arrived at a central agency.

If you would define your position towards my opinion, I would be very grateful to you.

A From my own experience I can confirm this, and this can also be seen from my statements on the authority to sign which I just made, that Vermittlungsstelle W was not authorized to make legally-binding promises for I.G., and I can also confirm, according to your question, that Vermittlungsstelle W, in many cases, was a mediating office with the function of a mailman.

Q Thank you very much. In this connection, Dr. Wagner, let me touch upon an affidavit which was submitted by a Mr. Eichwede. I should like to ask the permission of the Tribunal to use this affidavit. It is already in evidence. This you will find in Volume VI, page 38 of the German text, and it bears Exhibit No. 100. The English page number must precede it by a few pages. It is page 24 in the English, Volume VI, page 24 in

the English. Annexed to that affidavit there is a statistical chart about the number of the persons employed in Vermittlungsstelle W, and also figures regarding incoming and outgoing correspondence. With reference to the first point, the number of persons employed in the Vermittlungsstelle amounted, as far as I can see from my chart, until the year 1938, to three or four persons.

May I submit this affidavit to the witness? This is the chart made by Mr. Eichwede. Four to six persons?

A Yes; six chemists and one engineer. That is right.

Q We shall skip subordinate office personnel.

A Yes.

Q Well, witness, we just found out that in the Vermittlungsstelle were only four to five people with any high position. They included up to six by the end of 1938. Now, it certainly would be interesting for purposes of determining the truth, and in order to find out what the significance of the Vermittlungsstelle was within the framework of the entire I.G. Farben concern, to compare this figure with the entire employment of chemists with academic training, and engineers in the entire I.G. Farben concern.

May I ask you, Dr. Wagner, have you any approximate idea as to how many academically-trained chemists and engineers were employed by Farben?

A As far as I remember, Farben had about

5,000 academically-trained chemists, engineers and lawyers.

Q That is approximately the figure I know. And if you would now be good enough to arrive at the percentage which can be derived from this entire amount, you will find that it is 0.1 percent.

THE PRESIDENT: It is purely a matter of calculation.

DR. BOETTCHER: Thank you very much, Your Honors; that is right.

BY DR. BOETTCHER:

Q Very well. The second point which I wanted to discuss briefly with you on the basis of the affidavit of Mr. Eichwede is the following. According to the chart in the Eichwede affidavit, we see that in the year 1936 there was a correspondence receipt of approximately 4,000 letters; in the year 1938, 11,000; and then increased progressively. The dispatch of letters amounts, in the year 1936, to approximately 9,000; 1938, 23,000, progressively increasing during the war. The question which arises in this connection, Dr. Wagner, is the following: In connection with your reply to my previous question where you said that the Vermittlungsstelle was in many cases nothing more than a postman; one has to arrive at the opinion that this is being reflected in these mail figures as you see them here. In other words, as we express it in the German usage of the language, in technical terminology, a large "turnover" of mail, (Durchlauf).

A I can agree with the opinion of the Defense counsel that a large percentage of the mail which was passed on by the Vermittlungsstelle was simply passed on -- was not worked on in any way in the Vermittlungsstelle.

Q Then that, I am sure, can also be seen from the further figures which organize this correspondence and divide it into letters with Farben offices and so-called other firms. I should once more like to put these figures to you for you to have it before you. Would you please be good enough to look at the third line? Let us take any figure at random, just one year. Here we have in the year of 1938 a total receipt of 11,000, of which only 603 concern other firms. Would you be good enough to tell me whether you can arrive at a conclusion if individual work was done on these matters by the Vermittlungsstelle.

A I should like to say that under this figure that correspondence with other firms was not as a rule the task of Vermittlungsstelle W. Vermittlungsstelle " corresponded primarily with the authorities. The number of letters coming from other firms was slight, and that might be for this reason understandable.

Q I can deduce from your testimony therefore that your first characterization of the Vermittlungsstelle as a qualified postal unit in only being confirmed?

A Yes.

Q And now let us turn to the individual affidavits. Would you please take Book VI, Exhibit 142, on page 56 of the German and 33 of the English? You will find this on page 5 of the English text, the middle of the page, paragraph 8.

This is the paragraph I want to discuss with you. Have you got it before you?

A Yes.

Q I think it is on page 7, but I think we shall find out soon. It starts: "I know of the 'Vermittlungsstelle W' and its activities since its beginning, as I had already been working on a commission from the Wehrmacht to the I.G. Farben, A.G. since August 1933 --namely on the production of artificial fog."

We are naturally interested in that question in particular regarding its time because conclusions could be drawn from this point as to the beginning of certain war work, and, therefore, let me ask you, in this connection, whether this work on

the production of artificial fog was not the confirmation of a work which was carried on by a certain Prof. Albrecht Schmidt for many, many years before that? I don't know whether that work started in the year 1927 or 1928. You, as a qualified scientific worker, were entrusted with the continuation of that work?

A In answer to this question of the Defense counsel, let me state the following. The work of Prof. Albrecht Schmidt was carried out in Hoechst during the first world war, in the Dyeworks Hoechst. The Dyeworks Hoechst was given the assignment by the German Navy to construct a fog buoy, and by the Army the assignment to construct fog apparatus for the armed forces. The work which I carried out in Hoechst, beginning about August, 1933, was completely independent of the work of Prof. Schmidt and was based on a completely different raw material.

It was started at the suggestion of the then War Ministry Ordinance Office, and the purpose was to do research on fog acid which was produced on the basis of sulphur of an imported sulphur, and to replace it with a different raw material.

Q Did you ever have any thoughts as to what the ideas the Ministry of War was pursuing in connection with that request for the production of artificial fog? Isn't it true that at that time we still had our small Reichswehr, which naturally was very much of a defensive force, and that therefore artificial

fog made an important part --

MR. SPRECHER: Your Honors, I am afraid that we will have to make objections to the argumentation of the witness; for instance, such a reference to the small Reichswehr as obviously a defensive force.

THE PRESIDENT: Of course, there is a broader scope for cross-examination than for direct examination. The Tribunal is reluctant to place too many restrictions on counsel for the Defense. It does occur to us that in so far as you are able to do so, it would appear to be the obligation of counsel for the defendant to limit the cross-examination to the matters appearing in the affidavit, Doctor [Boettcher]. I would appreciate your efforts to do that. Presently we will overrule the objection in the interests of time, but in so far as it is possible we will appreciate your effort to confine the cross-examination to the statements of fact contained in the affidavits.
BY DR. BOETTCHER:

Q Very well, Mr. Wagner; you may continue.

A Artificial fog can be used for offensive as well as defensive purposes. I realized that at the time when I was working on it. From the problem as given by the Wehrmacht offices I could not determine for which of these purposes the development was proposed.

(Dr. Boettcher) I now turn to Exhibit 190, which is page 112 of Volume No. 7, English Text page 64. This is a very brief affidavit which was discussed with you by the representative of the prosecution.

Let me ask you whether you are assuming that Mr. Ritter and Mr. Brauch were acting without any official suggestion, and were carrying on these war games and map exercises? According to the information which I have available to me, Ministerial Councillor Knipper of the Aviation Ministry, was the initiator of these measures.

MR. SPEECHER: Your Honor, if Dr. Boettcher is going to testify here in due course we would like to have him take the witness stand, and we would like to be able to cross-examine him. We do not object to his suggestions, and even to leading questions. You can merely ask the witness if he knows a certain thing, but to make an assumption the way Dr. Boettcher does, we think is misleading and confusing. When the record is done we do not know what we have got.

THE PRESIDENT: Well, the objection to the question is more a matter of form than substance. The Tribunal thinks that counsel might properly ask the witness the name of the person who was responsible, --- since this is a cross-examination.

Perhaps, doctor, if you could put your questions more simply and directly, to the witness, if it is possible to do so, it might obviate the objections.

BY DR. BOETTCHER:

Q. May I formulate the question in the following manner? Wasn't Dr. Knipper of the Aviation Ministry, initiating these map and war exercises?

A. It is possible that that is the case, but I cannot say anything about it because I do not remember the name, "Knipper" in this connection.

Q. If my memory doesn't deceive me, you testified, replying to questions of Mr. Sprecher, that the reason for these air-raid precau-

tions or measures were given to you by the Reich Corporation Industry, or The Reichs-stand Industries? In other words, they are the same terms, really. Now do you suppose that the Reichsstand Industries received an official invitation?

A. Yes, one can assume that. But if I remember correctly, I was asked this morning whether the Reichsluftschutzbund had initiated these measures in industry, and I answered that in my opinion it was not the Reichsluftschutzbund but the Reichsstand of German Industry, which, of course, acted under official instructions initiated these measures.

Q. The second point in connection with this affidavit, I am referring to is paragraph 2, Dr. Wagner, and there you say "It is possible that the awareness on the part of the members of IG of a future armed conflict, may have contributed somewhat to the arrangement of these exercises".

Let me ask you, witness, am I right, in assuming that this possibility as you are describing it here, also refers to the fact of knowledge on the part of these gentlemen whom you are mentioning here? I hope I am expressing myself clearly.

A. The concept of possibility in this connection should refer to the possibility of the conflict, as such, and also to the question of whether the individual gentlemen had ever considered such a conflict.

Q. Thank you very much. Another question in this connection. You know other branches of industry, don't you? Do you know that in other branches of industry too air raid precautionary measures were carried out?

A. Yes, I know that.

Q. I now am turning to exhibit 247, which you will find in Volume 9, page 70, English, page No. 57. Here I am particularly interested in paragraph 3, -- I beg your pardon, it is paragraph 5. It says there:

"The IG developed complete plans which later on worked for each product, reproduction plant, processing plant and all others concerned."

Does the concept, "pioneer work" not signify for us Germans, a particular type of work. I should say that the invention of "Duna" was pioneer work and I should therefore like to ask you whether this is a correct interpretation, and whether we are united in our interpretation of that term?

A. Yes.

Q. The drawing up of these plans was a well ordered organizational task?

A. I was of the opinion, - and I intended to express the opinion, which I gained from talks with my colleagues in Vermittlungsstelle.

I, that the IG had shown for the first time how such plans had to be drawn up in order to make sense...

Q. Yes. Dr. Wagner, didn't that follow from the fact that if the IG was active in a field as such, this field had its significance for the construction of the organization generally?

A. Yes, that is no doubt true. But in the beginning these plans were always drawn up for a single plant so that there were many difficulties and mistakes, and only when it had been exhaustively worked out, was it possible to draw up plans which could secure definite production.

Q. Very well. I am now going to leave the affidavit. You will find at the bottom of page 4, that you discuss the possibility of war:

"Therefore one could learn that no special preparations for war were carried on abroad".

In that connection I have before me an affidavit made by your colleague, Dr. Dieckmann. I am referring to Exhibit 214, volume 8, page 64.

These are the minutes of a meeting dated the 14th of September, 1937 at the Reich Ministry of War concerning mobilization plans. During this meeting, Dr. Dieckmann reported on war preparations abroad. You

are listed here as a participant in this meeting: "General war preparations of various states. Dr. Dieckmann", - and this is a lecture - and you are listed as a participant in this meeting. There are similar minutes which you will find in Volume 1, on page 1, exhibit No. 239, which is a meeting of the Vermittlungsstelle 7 in Berlin on the 15th of March, 1939. "Dieckmann, Military Economist, "The Preparation of Industry, etc," countries practicing military economy."

"England particularly rigidly organized; France and Italy; Germany must likewise prepare its military economy".

On the present list you find your name as the 21st person. My question is it possible for you to modify or amplify your statement regarding this point?

A. May I first ask for the date of the first note which you mentioned?

Q. Yes, let me see. That is page 64. One minute, - there is a book, - yes it is the meeting of the 18th of May, 1938. Yes, here you have the list of those present, - May 18, 1938.

A. And where was this meeting?

Q. That meeting took place, it says, "after the work for the safeguarding of personnel," - "after the work for the safeguarding of personnel for the plants Hirschburg is more or less concluded. We would like to invite you to attend a discussion on Wednesday, 18 of May, 1938.

A. Hirschburg, that is right.

Q. You are listed here as a participant. You also find the program here which starts, "General military economy preparations on the part of the various foreign states. Dr. Dieckmann".

A. I can say of that, that Hirschburg is almost the only IG plant which I never visited, and I did not participate in this meeting which you mention. It is possible, however, that this refers to Wagner of Sports 2, who has the same first name as I have.

Q. That is possible; I absolutely take that into consideration but here, under paragraph 2,

A. According to my recollection that is a list of a conference which took place in Berlin.

Q. One minute. You have an invitation at Morsburg, "Discussion on Wednesday, 18th of May".

A. If that invitation was sent out from Morsburg it could only have taken place at Morsburg.

Q. You are on the "present" list, Dr. Wagner. That is positive. That is a meeting in 1939.

Here is a discussion about mobilization, 15th of March, 1939, in Berlin.

A. Yes, this discussion took place in Berlin, and I was present. That is true.

Q. Very well, and now you have the agenda?

A. Yes. May I answer your question now? In my affidavit I said, a sentence which the defense counsel read a little while ago, that to my knowledge other countries did not make any special preparations for war, and the defense counsel himself says that in the report given by Dr. Dieckmann, that general military economic preparations abroad were discussed. I do not believe that there is any contradiction between these two statements. I was merely of the opinion that the preparations abroad at that time, which is under discussion here, were not concerned with the acute conflict.

Q. Thank you very much.

THE PRESIDENT: The Tribunal will at this time rise for adjournment and will reconvene at one-thirty-five.

(Tribunal recessed at twelve-twenty).

AFTERNOON SESSION

(The hearing reconvened at 1335 hours, 9 Sept. 1947)

THE PRESIDENT: Counsel for the defense may continue with the cross-examination.

DR. HANS WAGNER- resumed

CROSS-EXAMINATION-(continued)

BY DR. DRISCHEL for Dr. Ambros:

Your Honor, I am the defense counsel for Dr. Ambros, and I hope you will permit me to put a few question to the witness with reference to his activity and the statements he made today.

At first, witness, I should like to deal with affidavit, Exhibit 169. Witness, when discussing this affidavit this morning, you replied to the question of Mr. Strecher on behalf of the prosecution, in particular to paragraph 2 of this affidavit, on page 1, you said that concerning developments in the poison gas field, you remembered in particular correspondence with the patent development at Leverkusen. You said that at that time, upon your request that in order to release these patents you only received their numbers and nothing else. Could you tell the gentlemen of the Tribunal, for purposes of our further preparations, what field of poison gas development you particularly thought of when making these statement?

A. When I made the statement this morning, which you have just repeated, I was thinking of the developments of Sarin and Tabun poison gases.

Q. Do you know, witness, when and at what period of time this work with Sarin and Tabun, which is also called Golan, was started?

A. The names Sarin, Tabun, and Golan I learned only during the war. The work and the patents themselves go back to before 1938; that is when I came to Verrittlungsstell W, there were already some patents which were later included under these names.

Q. Do you know who was working in the field of Tabun, Sarin and Golan and under whose names these patents were entered?

A. As far as I know IG Farben always registered the patents, since the numbers for the registration all had a capital "I" in the patent office. As expert in this field of laboratory development in Elberfeld I can mention Dr. Schröder.

Q. And how about the correspondence as regarding the registration of these patents, if there was any? Was that correspondence always directed to the patent department of Leverkusen?

A. Yes, the correspondence was conducted with Leverkusen.

Q. Thank you. And now, witness, you are saying under paragraph 2, that Dr. Ambros was involved. You know that Dr. Ambros did not work in the field of Tabun and Sarin.

A. I know that later Tabun and Sarin, or one of them, was to be produced at Dyhernfurth, and I know, I assume this is correct, that Dyhernfurth was planned and built by men working under Dr. Ambros.

Q. I shall come back to that later. You said, rightly, that later, Dyhernfurth was built; when was that?

A. In my opinion. Dyhernfurth was begun after the beginning of the war.

Q. Correct. That was done on the basis of the order of the 15th September 1939. Do you know that yourself?

A. I do not remember the date, but I know that the work began after the beginning of the war.

Q. In that case it is not quite accurate, and I am not holding that against you, that you already mentioned the name, "Ambros" when talking about the time of the preparatory work and the development.

A. This expression was used looking back under the consideration that Dr. Ambros took care of the production and the other two men I mentioned were in charge of scientific development.

Q. But you just said the production only started, and was decided upon after the beginning of the war?

A. Yes, that's right.

Q. Well, in that case, if I interpret your statement correctly paragraph 2 of that affidavit, Exhibit 169 must be amended. You cannot say then that Dr. Ambros participated in the development work of Tabun and Sarin.

A. That is correct.

Q. Thank you very much. It is correct that Dr. Ambros only received knowledge of these things after Dyhrenfurth started production?

A. I did not intend to say anything else.

Q. That is very important, witness.

Then in this connection, your Honors, I shall come back to this exhibit later, but Mr. President, I must now mention any other exhibit which contains a similar inaccuracy. This is the exhibit 142, HI 6923. I am referring to page 9. Again you are using the corrective concept under category 3, and I quote

"In the first place this category includes the experiments which were part of the product of Professor Heerlein, Schröder and Dr. Ambros".

I assume, that the correction which you made before, also referred to and holds true of the Exhibit 142. To be thorough we should say the experiment and the technical work?

A. Quite correct.

Q. You are here also separating experiments and technical execution?

A. Yes, that's right.

Q. But on page 9 you do not want to refer the name, Dr. Ambros to the experiments, do you.

A. No, I do not.

Q. Let me then, Mr. President, go back to a passage of the affidavit which, in my opinion warrants correction. I am now referring to Exhibit 169 again. I do not want to hold that against you in any way, but I am asking you these questions in order to get an exact view of your statement.

On page 5, paragraph 9 of this affidavit, you say, and I quote:

"Furthermore, from the beginning of the war onwards, one of the tasks of Vermittlungsstelle W was the discussion with the Wehrmacht and the Reich Office Chemistry of rationing of various products such as for instance ethylon oxel, bun: and ethlon lubricants".

Q Is it correct, Dr. Wagner, that Oxol was rationed?

A Yes, in the small quantities in which it was produced at all.

Q Buna was not rationed at all, was it?

A The distribution of Buna was administered by Department K in Frankfurt together with the Reich SS and members of the Vermittlungsstelle W. from time to time were present and helped in this determination.

Q Anyway, there was no actual rationing of Buna, was there? Isn't there a mistake there? Shouldn't it be called Ethylen Oxide instead of Ethylen Oxol?

A No, when I dictated this sentence I was thinking of this so-called oxol plan which before the war at three months intervals and after the beginning of the war at one month interval was discussed between the I.G. and the Reich interests and this plan always expressly lists Oxol.

Q Thank you very much. One further remark regarding Exhibit 247. It is your subjective opinion and you confirmed it this morning that you thought to be able to conclude from their designs that there was an intention of waging an aggressive war. Amongst others you mentioned the increased production of di-glykol which was to be used for fuel. Is that right?

A Di-glykol was used as anti-aircraft powder primarily.

Q That is right. It was used for powder and not for explosives?

A That's right.

Q Di-glykol is a produce which does not necessarily bear the character of an armament product.

A That's true but in general it was considered as a preliminary produce for powder and explosives.

Q In summary I can say then that with reference to the essential points from which you could conclude that the I.G. was involved in the preparation for a gas war, that you are correcting your affidavits today by saying that you cannot state that Dr. Ambrose was in any way participating in the preparatory stages. Thank you, Mr. President.

DR. WAGNER: Dr. Wagner counsel for defendant Wurster. I am now dealing with Exhibit 247 which is contained in Volume No. 7, Document NI-8925. Have you got this document, witness?

A 247, yes.

Q It's 8925?

A Yes.

Q You will find the relevant parts on page three of the German copy. I am sorry I haven't got the English. You stated the following in Paragraph 6: "The mobilization plan was put into operation on receipt of mobilization orders from the military area command. In my opinion, the plan for the Ludwigshafen plant worked exclusively on the production laid down for war-time." You are here saying that in your opinion that was so. You were not absolutely clear and sure of it yourself, were you? Is that right?

A I remembered a talk with Dr. Pfaundler of the Vermittlungsstelle when by the end of July 1939 he returned from a trip to Ludwigshafen. I remember from this talk that Dr. Pfaundler said to me, "Ludwigshafen is already working on the mobilization plan."

Q That is the source of your information?

A Yes, that's the source of my information.

Q I am putting to you, witness, that in the course of this proceeding we shall submit documentary evidence to the effect that the first letter of the responsible Reich Ministry bearing the date of 26 August 1939 was received on 27 August 1939 at 23 hrs. where there was a suggestion of a mobilization plan and where it was suggested that we work on this plan so that afterwards we would receive a definite mobilization task and on the basis of this letter dated 26 August 1939 one was just working on this project when the war broke out a few days later. On the strength of a telegram of 3 September 1939 after an armament program had already been established we received definite information. How about that?

A That does not contradict my memory of the talk with Dr. Pfaundler because I remember it.

Q You only know that on the basis of what Dr. Pfaundler said. Do you know the name of Dr. Mehner?

A Yes.

Q Dr. Mehner dealt with these matters. In

the course of these proceedings we shall submit an affidavit of Dr. Mehner where he certifies that the plant Ludwigshafen-Oppau at not time before the outbreak of the war was in possession of any binding mobilization program. This only started on 26 August.

THE PRESIDENT: What counsel has said amounts to an argument with the witness. It would perhaps be better to ask him questions.

DR. WAGNER: The question was whether in spite of this fact the witness, who allegedly knows these matters, will not change his view and will find out that his information rests upon an error. That's all I want to find out.

THE PRESIDENT: Very well. It would be perhaps better, however, if counsel could ask more directly and simply such questions as he wishes to interrogate the witness about and refrain as far as possible from engaging in an argument with the witness.

Q Thank you. I now turn to page 2 of the same affidavit. You say there that the Vermittlungsstelle W turned everything over to the various technical departments of the plants and the mobilization experts of the individual plants worked out certain mobilization plans and then go on to say that the mobilization production plan of every individual plant was co-ordinating with the mobilization production plans of the other plants through the use of the technical commissions, for instance, the sulphur

commission and others. This commission is the subsidiary commission which was called a sulphur subsidiary commission, wasn't it?

A Yes.

Q I put to you now that the first session of this sulphur subsidiary commission about which we have minutes, took place on 3 October 1939 and dealt with questions which you stated in your affidavit. What have you to say about that? Did you mention this sulphur commission here by error?

A I know that there was such a discussion which took place because it was necessary to determine the production quotas of chlorine for the various factories and I was of the opinion that for such an important production as sulphuric acid there would also have to be a commission.

Q It was merely a conclusion on your part. Thank you. I am now turning to NI-8923. This is in Volume 6, Exhibit 142. You will find that on page 5. You say here under Paragraph 5, second sentence: 'As far as I know Dr. Goldberg gave the reports on Sparte I to the technical committee of the TEA. I am putting to you, witness, that in the course of the trial we shall submit an affidavit to the effect that Dr. Goldberg was not a member of the TEA and not being a member of the TEA did not participate in any of their meetings; is that true?

MR. SPRECHER: Your Honors, we hesitate to object but say I give a concrete point? Evidence will be introduced here, for example, from some of these defendants that many persons who were not members of the TEA gave reports. Now, we don't want to engage in a battle with individual defense counsel when they assume a fact which is not in evidence and in effect want to testify themselves so we must point out to your Honors that questioning cannot proceed on an intelligent basis when the defense counsel raises a hypothetical question without indicating that it is a hypothetical question but rather indicating it to be a fact, and we certainly say it is a fact not in evidence and in many cases a fact which we will very severely contest.

THE PRESIDENT: Counsel for defense, of course, is allowed a wider latitude on cross examination than counsel for the prosecution was allowed for the examination in chief but it does occur to the Tribunal that perhaps the defense has transgressed the rule quite a bit by more or less of an arguing colloquy with the witness. It's all right to ask the witness if he does not know that certain facts are true but counsel should so far as possible refrain from engaging in an argument with the witness as to what the facts of the case may be and I hope that observation of the case will be helpful and that you may proceed with the cross examination in a more orderly way, if you please.

BY DR. WAGNER:

Q. Did you know that Dr. Goldberg only held lectures twice during this meeting and then left the meeting?

A. How often Dr. Goldberg made reports to the TEA I do not know. I know only that it was customary in the TEA frequently to have reports from chemists and I believe other engineers who were not members of the TEA.

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Q. We are here not concerned with regular reports, are we?

A. No, I didn't mean to say that they were regular reports.

Q. The wording of your testimony was "reports for Sparte I as far as I know reported by Dr. Goldberg in the TEA". It looks from that as if he regularly reported on these things.

A. I don't believe you can draw that conclusion. I didn't intend to say that.

Q. Thank you. Let me now deal with the so-called "Monday discussion." This you find in the same exhibit on page 6 of the German text. I have the following question to put to you, witness. Is it true that the subject of these Monday discussions were of a technical nature and had practically nothing to do with the particular tasks of Vermittlungsstelle W?

A. Yes, that's correct.

Q. Is it furthermore correct that Dr. Gorr was only invited to participate in these meetings regularly so that the representative of Spart II in Vermittlungsstelle W should be informed about all of the important matters?

A. Yes, that's correct.

Q. One last question. It has come to the attention of many I.G. members and experts that we are here speaking of a "Little TEA". How did you come to think of that expression?

A. That's an expression which was used in those days for these Monday Discussions in a joined manner. I do not believe that it had any official significance in any way.

Q. What do you think about Dr. von Nagel, for instance, never knowing this expression at all?

A. That's possible.

DR. WAGNER: Thank you very much.

BY DR. STORKEBAUM:

Q. Dr. Storkebaum, assistant of Dr. Dix, speaking on behalf of the defendant Dr. Schneider. I should like to put a few questions to the witness about the "Little TEA". Witness, did Sparte I; for instance, the plant manager of Leuna and Opau or the Head of Office of Sparte I, Dr. Goldberg, participate in the meetings of the Little TEA?

A. To my knowledge there was no such participation.

Q. You said this morning when you were examined by the prosecution that all of them participated in the meeting.

A. The Little TEA, or the Monday Discussions, as I said in my affidavit, was a typical arrangement of Sparte II which is shown by the fact that Dr. Struss as Head of Office Sparte II regularly issued the invitations to these discussions.

Q. Thank you very much. You are assuming that the expression "Little TEA" was well-known and that its sessions were also known to the Vorstand. Now, if Sparte I and Sparte III did not participate because Little TEA was an institution of Sparte II, how do you think the Vorstand was informed about that?

A. As far as I remember, I am not certain about this, Dr. Meyer of Sparte III participated once in such a meeting and I am also of the opinion that a meeting of this size, regular discussions of this size, dealing with the most important problems of the firm could not take place without the knowledge of the Vorstand.

Q. Thank you.

BY DR. VON KETZLER:

Q. Dr. von Metzler, counsel for Paul Haeffliger. Witness, I would like to add to the questions which were put to you by my predecessor. I am going to deal with the meetings of the Little TEA. If I understood you correctly this morning

you said very clearly that the members of the Vorstand were informed about these meetings and their decisions. Do you really want to maintain this assertion in this general form?

A. As far as decisions of the Monday discussions I personally considered that they are out of the question. The group of men who met for these Monday discussions had not authority to reach any decisions in that sense and it wasn't their duty to reach any decisions. These discussions were really to inform the participants about important developments within I.G. I, myself, never considered that the Monday discussions had any other purpose.

Q. But you have just stated that in your opinion these meetings were conducted with the knowledge of the Vorstand members.

A. I would assume so, yes.

Q. Is that merely an assumption on your part or have you any positive evidence for that?

A. I have seen no written evidence for it but a meeting which lasts for a whole day and its members coming from the most important plants under the chairmanship of the Head of the TEA, can't be an unimportant meeting.

THE PRESIDENT: The Tribunal understands that the witness said in the first instance that this was a matter of opinion and not a matter of fact.

THE INTERPRETER: You didn't put your switch on.

THE PRESIDENT: Just a moment. The Tribunal just observed that the witness had said in the first instance that he was giving a matter of opinion and not a statement of fact.

Q. I am not turning to one further point contained in your affidavit Exhibit 142, Volume 5, page 60 of the German text. You will find that under Paragraph 5. You say in your affidavit and I quote: "Dr Struss reported to the TEA and,

when necessary, Dr. ter Meer to the Vorstand concerning the duties of Sparte II handled by the Vermittlungsstelle W. As far as I know Dr. Goldberg gave the reports on Sparte I to the Technical Committee. Reports were mostly only made when some Vorstand member of the I.G. Farben had expressed his dissatisfaction with the Vermittlungsstelle. For example, if he considered that we had not handled his problems with sufficient emergency." Witness, with reference to this last sentence which I just read I should like to ask you just upon what you are basing your knowledge?

A.. As far as I know there were relatively few such reports given. I believe I can recall that the Vermittlungsstelle was actually discussed only when something did not go as expected.

Q. But you cannot remember concrete events?

A. No, I cannot since as far as I know such things probably occurred only very rarely while I belonged to the Vermittlungsstelle.

Q. Did you at all participate in these meetings?

A. What meetings?

Q. The meetings about which you are speaking here.

A. No.

Q. How often did you participate in the meetings of the Little TEA, as far as you remember?

A. I estimate that I attended them five or ten times and if I, myself, was not present Dr. Gorr, when he returned from Frankfurt, reported to me about what was discussed at the Monday discussion with the aid of his notes.

Q. At what period of time did that take place? At what period of time did you participate five or ten times?

A. That was from the beginning of 1938 until the time during the war when these meetings were discontinued because

of transportation difficulties.

Q. When, approximately, was that?

A. About 1942, perhaps. I don't remember exactly.

Q You say that in the year of 1942 these meetings of Little Tea were stopped, if I understood you rightly?

A I think it was about that time.

Q For what reasons were they stopped? Because of transportation difficulties?

A Yes, that was no doubt the reason that the various men could not get there in time and could not be away from the plants as long as necessary for the trip to Frankfurt. For that reason the discussions took place from Monday to Tuesday; and when those did not have the desired results, the discussions were discontinued completely.

Q Very well. You were just saying, Witness, that whenever you did not take part in the meetings of Little Tea, Dr. Gorr reported to you about the subject of the discussions. Did Dr. Gorr participate regularly himself?

A As far as I know, Dr. Gorr attended these meetings with great regularity.

Q That concludes my questioning regarding this complex. Witness, I have one more general question to put to you with reference to your personal data. Where are you employed at this moment?

A I am working in the explosive works in Neumarkt in the Upper Palatinate.

Q What do you do there?

A I work as a laboratory chemist.

Q What are your tasks there?

A I am doing research work in the laboratory on raw materials and finished products of the factory.

Q Thank you.

BY DR. HOFFMANN (for the defendant Von Der Heyde):

Q Witness, I am putting some questions to you because the prosecution asked you which one of the defendants you knew. In giving your reply, you also mentioned the name of my client, Von Der Heyde. I

should now like to ask you, was Von Der Heyde a member of the Vermittlungsstelle W?

A No, Mr. Von Der Heyde was not a member of the Vermittlungsstelle W.

Q Did you testify anything in your affidavits about my client, or did you only mention his name because you knew him as a business colleague?

A I know Mr. Von Der Heyde as a former member of the WIPO in Berlin, WI 7; and we had our office in the same building for several years. We frequently met there in passing; and once in a while we talked to each other.

Q But you had nothing to do with him officially?

A Hardly. I can't remember at the moment having any official contact with Mr. Von Der Heyde.

BY DR. LUSHERT (for the defendant Kuehne):

Q Witness, I have a question in connection with your affidavit WI-8925. You will find that in Volume 9 of the German Document Book on Page 57 in the English. May I ask you if you have this affidavit before you?

A Yes, I have it here.

Q In this affidavit you are speaking of mobilization plans. Four different expressions are used in the German text. In the English translation there are five different expressions. The German expressions are: "Mob plans", "Mob belegungs plaene", "belegungsplaene" and "fabrikations plaene". The English translations: "Mobilization plans", "mobilization executives", "mobilization production schemes", "production schemes", and "production plans". My question is the following. Does any difference and distinction exist in those terms, or is it all the same meaning?

A In all cases it means the same thing. The purest expression is probably mobilization executive plans.

Q Do you know what the content of these mob belegungs, mob executive plans, were? Did you refer to production in case of war, or what did you refer to?

A According to my recollection the mobilization executive plan gives instructions to the plant in question, from a period of time to be determined, to produce only those products listed in the plan.

Q If I understand you correctly, the mobilization executive plans, as you call them, determined the production of the plants in case of war?

A The expression "in case of war" was not used, as far as I know. We only spoke of the mobilization or A-case; but the mobilization executive plan contained binding rules on production in that case.

Q Very well. Thank you. This morning when giving your testimony you stated that the plants knew about this mobilization plan. Now I'm asking you, what was the interest of the plant managers in these mobilization plans? As far as you know, to put it more specifically, did the plant managers desire to know what their plants were going to produce in case of mobilization or to what extent their production was going to be maintained; or what actually was the interest of these plant managers?

A To my knowledge they were interested in learning what they could produce in case of mobilization and whether or not the raw materials and half finished products and workers necessary for such production would have to be secured.

Q If I understand you correctly, you are saying that the interest of the plant managers was mainly based on an interest in their plants?

A Yes, in my opinion that is correct.

Q Was there any interest in war as far as you know?

A No, I do not believe so.

Q Would you say that this was certainly not the case?

A I believe I can say yes.

Q Very well. I have one more question on behalf of my client Kuehne. This morning you said that you personally saw a large number of the defendants. You mentioned the remark that you met them. The defendant Kuehne cannot remember having seen you personally. How can you explain that?

A Dr. Kuehne visited me for the first time in my laboratory in Hoechst about 1930 on the occasion of the severe restrictions on research work which were put into effect at that time in the I. G.

Q We are not interested in details here.

A It was 1930. It might have been the end of 1929 or the beginning of 1931; but it was about 1930. Then later I saw Dr. Kuehne, I think two or three times, in an organic discussions where I was present as the laboratory chemist of Hoechst. Finally after I was transferred to the Vermittlungsstelle W in Berlin I had about two or three discussions with Dr. Kuehne in Leverkusen.

Q I see. Well, how often did you meet him altogether?

A About six or eight times.

Q In the course of how many years?

A In the course of about eight years; nine years, 1930 to 1939.

Q The first meeting was 1926?

A 1930, I said.

Q The first was in 1930?

A 1930, yes.

Q And the last?

A The last -- the end of 1939, or beginning of 1940.

Q Thank you very much.

BY DR. MEYER (for the defendant Gajewski):

Q Dr. Wagner, I have a few questions to put to you with reference to Sparte 3. If I remember correctly, you said this morning that you did not know the head of Sparte 3, Dr. Gajewski personally. Is that right? If I remember correctly further, you stated in your affidavit, Exhibit 142 --

THE PRESIDENT: Give the witness an opportunity to answer the question.

Q You stated in your affidavit, Exhibit 142, which is in Volume VI, that Dr. Gajewski had no interest in any stronger interference by

Vermittlungsstelle". I believe that this was the case because in the sphere of Sparte 3 you were mainly concerned with textile and photo products and you never had to deal with any armament problems there at all. Is that right?

A As to the reasons for Dr. Gajewski's desire mentioned here, I know nothing. My testimony here is based on conversations which I had with Dr. Harry Meyer, the personal associate of Dr. Gajewski, who repeatedly told me of consultations with patent questions concerning Sparte 3 and said that Dr. Gajewski did not want the Vermittlungsstelle to be included to any great extent in the problems of Sparte 3.

9 Sept 47-17-1-K-Gaming (Rammeler & Von Schon)

Q. You don't know then to what extent these problems were dealt with in Sparte 3?

A. Since I worked on almost all the patents for Sparte 3, I myself know only that Sparte 3 worked mainly in the field of photographic materials and certain artificial products in connection with the Wehrmacht.

Q. In the introduction to your affidavits you say that when you were transferred to the Vermittlungsstelle - you worked on patent questions principally for Sparte 2 and partly for Sparte 1 and 3. In your affidavit exhibit 169, Volume 7, on Page 26 of the German, you say on the contrary that from the very beginning you started to deal with all patent work concerning Sparte 3, too, because Dr. Moyer was no longer active there. How do you explain this divergency?

A. There is no contradiction really because actually there were deviations in the distribution authority at the time of my transfer to Berlin; and in part before 1941 I worked on patents of Sparte 3 and occasionally took care of patent questions for Dr. Moyer. Later I dealt with all of these questions.

Q. Did you deal with these patent questions by yourself or in collaboration with the responsible gentlemen who were working in the patent departments and the Wehrmacht offices?

A. These questions were always settled in contact with the competent men in the plants since these gentlemen gave the instructions for the method of treatment.

Q. If I remember correctly, you said that you discussed these matters with the heads of the respective patent departments. Is that right?

A. Yes, that is right.

Q. Did you speak to the head of the patent department of Sparte 3 about these things?

A. Occasionally I discussed these questions with Dr. Ladiger, the head of the patent section at Sparte 3.

y Sept 47-17-2-a-ASE-Casing (Rammeler & Von Schon)

Q. You know him personally, do you?

A. Yes, I know him personally.

Q. Thank you. I have one more general question. This again refers to Exhibit 142, Volume 6, Page 65 of the German text. It says here under Paragraph 10, and I quote "I think it is correct if one says of the year 1939 that thirty to forty per cent of all problems with which the Vermittlungsstelle dealt and which were discussed by Vermittlungsstelle with the Wehrmacht were initiated by the I.G.; and only ten to twenty per cent arose as the result of the direct requests of the Wehrmacht. The remainder consisted of purely civilian problems."

In this connection let me put to you the preceding exhibit, 141, Volume 6, Page 50. This is an affidavit of your colleague, Dr. Gorr. Dr. Gorr, answering the same question, says in his affidavit, and I quote: "It was obvious that the great research institutions of the I.G. were included by the Wehrmacht in order to deal with a number of problems which were of particular interest for the Wehrmacht. Consequently, a number of military, technical questions were dealt with in the research departments of the I.G. Since the relevant experts of the I.G. repeatedly worked in close collaboration with the experts of the Wehrmacht development and production agencies, mutual suggestions would have been submitted. It is not easy to determine from which office the first suggestions originated. No doubt the experts of the I.G. would have been able as a result of their greater chemical knowledge to make suggestions to the Wehrmacht which furthered the problems of the Wehrmacht which were of general interest. I suppose now and then one or the other chemists of the I.G. has occasionally taken up a military, technical problem on his own initiative, which was then brought to the attention of the Wehrmacht."

If I compare that with your testimony, I should like to ask you whether you are not of the opinion that this formulation as it is put down by your colleague Gorr is much closer to the true facts.

9 Sept 47-17-3-23H-Casing (Hammer & Von Schon)

A. The percentages which I gave, which, of course, may vary a little, are based on a compilation made shortly before the beginning of the war in Vermittlungsstelle W. As far as I recall, it was done by Dr. Dieckmann with my collaboration when we were negotiating with the patent commission of I. G. on the question of the treatment to be given the assignments issued by the Wehrmacht. From the financial point of view, in that connection we reached these figures at that time, which were worked out on the basis of very careful estimates. As I did in my affidavit, I should like to point out that in my opinion for the year 1939 the figures are largely correct.

Q. You can give us no information about the preceding years can you?

A. We reached these figures according to the situation in the the spring of 1939; and any indications for other periods would be unreliable.

Q. Thank you very much.

BY DR. SILCHER:

Q. Dr. Wagner, let me first put a number of questions to you which are connected with the field of patents. In your various affidavits you are initially always expressing yourself in the following manner: "In the Vermittlungsstelle W I took over dealing with patent questions." etc. Then you go on to say--and I am now referring to the affidavit exhibit 169, which is in Volume 7 on page 25 of the German and page 10 of the English--"All questions concerning patents were dealt with by Vermittlungsstelle W together with the Reich authorities concerned." On Page 26, however, you say, "It was also the task of the Vermittlungsstelle W to obtain the necessary permits from the I. G. authorities for the granting to foreign countries of licenses authorizing the use of I. G. processes." Then you go on to say that many negotiations with the Air Ministry, and so forth, were necessary. Furthermore, you said that you dealt with the release of processes in formulation to foreign countries. Furthermore, in

I should like to ask you to tell us about the extent of your participation in these matters and in order to shorten proceedings, I would like to tell you what my aim is; did you, to mention the extreme case, take over the patent handling of these matters exclusively or was it only an excerpt from your general tasks, I mean a part from the patents as they existed generally or was it only an excerpt from the general tasks which you had?

A I shall try to answer this question as briefly and thoroughly as possible. The collaboration of Vermittlungsstelle W, especially in obtaining approval for the issuing of licenses to foreign countries, was always connected with products which had some significance for war-fare and not products which were purely for civilian use. Moreover the Vermittlungsstelle W was not limited to the working out of patents for these things. This work was continued by the patent office of the individual plant concerned, while the patent registration of the Vermittlungsstelle W was limited to the following: "Before and sometimes during the negotiations of the commercial offices with foreign partners, as far as necessary, the approval of the Wehrmacht for issuing the licenses was obtained at this office.

Q Dr. Warner, what was the reason for the Wehrmacht dealing with these things at all.

A The reason, in my opinion, was a desire of the Wehrmacht which wanted to know when licenses were given to foreign countries in certain fields and who obtained such licenses. Moreover, in addition to this, it sometimes became necessary that patents, which the Wehrmacht had declared secret, against the desire of the I.G., were freed by way of negotiations so that they could be given to foreign countries.

Q The gentlemen of I.G., who worked out patents would not have endangered themselves if patents had been sent abroad or experiences

about patents had been sent abroad and the Wehrmacht had been of the opinion that was contrary to the interests of the country?

A All experts of the I.G. who might have acted without approval of the Wehrmacht in such a case would have had to face legal prosecution, according to the Reich Penal Code, paragraphs 69 to 88, a provision for the betrayal of secrets significant for the defense of the country.

Q Do you by any chance know the technical expression which summarizes these rules briefly?

A At the moment I do not know what expression you mean.

Q I mean the expression of "High Treason?"

A Yes, we always called it paragraph 88 ff.

Q Do you know what punishment normally exists for "High Treason" in every country?

A At least a high prison sentence.

Q In the German penal law books, it is the death sentence; is it not?

A Yes, I know that.

Q Do you know that in Germany even "High Treason" as a result of negligence" is punishable?

A Yes, I know that, too.

Q Thank you very much. In order to cover this more specifically, I want to ask you whether Vermittlungsstelle W participated in the negotiations between the experts of the various patent departments and the Reich patent office?

A Vermittlungsstelle W participated fairly regularly and sometimes even acted independently in negotiations with the presiding Chancellery of the Reich Patent Office as far as dealing with secret regulations was concerned. In addition, in very rare cases, Vermittlungsstelle W had during the war brief negotiations with one or another examining authority in the Reich Patent Office, generally when for reasons of transportation difficulties the experts of the Patent Office

of both concerns could not be in Berlin in time; when it was a question of keeping the time limit, but this last activity of the Vermittlungsstelle W occurred approximately four or five times only during the whole course of the war as far as I remember.

Q Did the patents which you dealt with in accordance with the Wehrmacht, represent a considerable part of the patents as released by the I. A.?

A In Vermittlungsstelle W I saw all patents and read the ones which interested me personally. I read, in addition to that, from excerpts of the Patent Office. I learned of the titles and the contents of the Ludwigshafen Sparte 1 patents registered by the Patent Office in Ludwigshafen. As far as Sparte 3 is concerned, I saw only those registrations which were made by the patent office for the Wehrmacht. I can say that numerically speaking I saw approximately 30% to 90% of the patent registrations of the I. A.

Q Very well, but that is your knowledge, is it not? We are here concerned with the extent of your collaboration, I am asking you about these 30% to 90% about which you are speaking; was it necessary and did it happen that you had dealings with the Wehrmacht regarding this percentage with references to secrecy, etc.?

A The number of patent registrations about which we carried on negotiations with the Wehrmacht offices was in the year of 1938, approximately about 500. Then in 1939 and especially after the outbreak of war it increased to approximately 1,500 or perhaps 2,000 per year. During the war when the invention activities of I. A. was reduced for obvious reasons after 1942, the number declined considerably, but was still far above the 500 limit which was above the pre-war figure.

Q And what was the portion approximately with reference to the entire figure of patent registrations by the I. A. during these years?

A It is difficult to answer this question reliably on the spur of

the moment, but I would assume that before the war about 10% of the registrations for I.G. required secrecy at the request of the Reich agencies. During the war, I should assume that 40%, perhaps a little more of the total registrations, were accorded secrecy at the request of the Wehrmacht.

Q But, these assumptions are not based upon reliable evidence which you have; are they?

A I myself did not collect any statistics on the subject during the war, but I am fairly certain that I am not deviating from the truth because, especially when I consider the exchange list of the Ludwigshafen - the patent office in Ludwigshafen @I know that nearly half of the registrations were kept secret at the request of the Reich.

Q You say in Exhibit No. 142, page 64 of the German text, that secret patents had existed ever since the first World War; do you mean to say that those did not occur before the first World War?

A I know only that during the first World War patents which had some connection with the defense of the country were entered in a so-called secret list and were not made public. In the period from 1918 to 1933 or 1934 there were no such secret patents as far as I know.

Q If I now tell you, Dr. Wagner, that that is a rule which is already included in the first German Patent Law, which already originated from the year of 1874 and which is also entered in the Patent Law dated and entered in the year of 1891 and ever since, that these regulations up until 1933 remained in force, you will not contest these statements, will you?

A No. In my testimony I merely meant to say it is my knowledge in the period which I mentioned this was made use of.

Q We were discussing, Dr. Wagner, where in cases of granting of licenses for foreign countries and the releasing of experience, the so-called "know-how", to foreign countries, you also negotiated with

Wehrmacht agencies regarding approval for these negotiations, you are also saying that the I.G. had succeeded in a large number of cases in receiving such permission, so that licenses and experience could be released. If one reports on a matter and if one does not want to go beyond the limits of the truth one has to use a certain stand and provoke a prohibition. Or one can put it in another way, so that it is likely that permission will be granted. Could you tell us something about that, what was the trend of these applications to the Wehrmacht agencies?

A According to my recollection, the presentation to the Wehrmacht was always to the effect that a release was desirable, since the men of the patent department always told me that they considered it important that the patents be free for future negotiations and research abroad.

Q Thank you very much.

THE PRESIDENT: At this time the Tribunal will rise for the afternoon recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: Is there any further cross-examination of this witness?

DR. BOETTCHER: No, Mr. President.

THE PRESIDENT: Does the Prosecution have any further questions?

MR. SPRECHER: There is no re-direct examination.

THE PRESIDENT: The witness is excused.

MR. SPRECHER: May it please Your Honors, before the Prosecution goes further with the introduction of proof bearing on the various counts in sub-sections of the counts proper, it is believed appropriate to introduce proof which will sustain most of the allegations in the indictments concerning the positions held by each of the individual defendants. In the second paragraph of the indictment it is alleged that the persons accused as guilty of the crimes alleged were "officials of I.G. Farben." Thereafter the defendants are listed together with some of the more distinctive positions which the defendants held. Then, at the end of the listing of the defendants, and just before Count 1, there is the following statement: "Reference is hereby made to Appendix A of this indictment for a fuller statement of the positions held by each of the defendants." In the first paragraph of Appendix A the indictment alleges that the positions listed are "high positions," that they were positions either in the financial, industrial, and economic life of Germany, or "high political, civil, and military positions." Our general theory of criminal responsibility, of course, is that "each of these defendants by using these positions and by his personal influence," engaged in the various crimes charged in Counts 1, 2, and 3, and further and as a quite separate count -- Count 5, that

all of the defendants participated in a common plan or conspiracy to commit the crimes set forth in Counts 1, 2, and 3. Count 4 applies only to the three defendants who were members of the SS, a criminal organization, namely, the defendants Schneider, Buete fish, and von der Heyde. It would be very difficult to assemble any other group of twentyfour persons -- twentythree persons with the exclusion of the Defendant Buete fish, absent from this dock at the present time -- twenty-three persons who were, in common, officials in one organization and who, at the same time, held so many positions in Hitler's Third Reich. It is also difficult to place the proof establishing these several hundred positions before Your Honors in a simply way. However, the Prosecution, with considerable assistance from the defense, believes it has simplified this problem of proof considerably and in a way which we trust will help Your Honors in checking the facts as against the indictment. In ascertaining the positions held by leading officials of I.G. Farben, in the beginning the Prosecution relied greatly upon affidavits given by former officials of I.G. Farben who had immediate access to the available personnel and other files in Frankfurt, the present headquarters of the I.G. Farben Control Office in the American Zone. Some few of these affidavits are about to be introduced; however, in most cases, after we had obtained such affidavits, the Prosecution was able to lay these affidavits before the defendants or otherwise find out from the defendants what their view was of the positions they held. Many of the resulting affidavits will shortly be introduced also. And in many cases they indicate the positions sufficiently so that we have been able to avoid the introduction of some of the earlier affidavits. Now beyond these two types of affidavits there is a third type.

In the last month or six weeks all defense counsels have been requested by the Prosecution to have their clients check a proposed list of positions held by the defendants, this list being in the order of the listing of the positions in Appendix A of the indictment. The Prosecution did this with the view to setting before Your Honors the area of agreement between the Prosecution and defense on this question. Mr. Walter Schonfeld of the Prosecution staff had dealings with almost all of the defense counsel in this connection, and Your Honors will find in the documents about to be introduced a great number of either affidavits or certificates signed by defense counsel which will list the positions to which a respective defendant agrees in the order of the Appendix A. For the assistance of the defense in this matter we express our appreciation as an officer of this Court interested in clarity. The Prosecution trusts that within the next few days the remaining defense counsel who have not made such a list will do so if they so see fit. The affidavits or certificates we are about to introduce will establish, we believe, at least nine out of ten of the positions we have listed and indeed most of the most important positions which will come up during the course of the trial. We do wish to say that some of the affidavits made by the defendants contain a number of materials which the Prosecution would describe to be in the nature of apologia or defense material. However, it seemed to us to be in the interest of both fairness and expedition to submit these materials together with the other materials for the consideration of the Tribunal at this time. Defense counsel have pointed out, and we have indeed agreed, that in perhaps one case out of ten the Document Book XI itself will not fully establish matters and leave outstanding some questions. It's also

been pointed out that there were a few errors in transcription or translation. Our proposal, therefore, with the permission of Your Honors, concerning this problem, is the following. Representatives of the Prosecution, in the first instance Mr. Schonfeld, and representatives of the defense, will attempt to come to a sound agreement concerning the positions, or at least to come to a clear disagreement which can then be noted for Your Honors. Thereafter each side, in its turn, can attempt to establish its position by further proof. Now, with respect to these individual documents which we are about to offer the Prosecution has no intention of reading portions of any of these documents for the moment, unless Your Honors so request or in particular cases unless defense counsel have some good reason for desiring that particular provisions be read, in which case I think we would be included to agree with that. So, I shall proceed, therefore, if there is no objection or no other instruction from Your Honors, to identify each document and have it marked in evidence. Before I do that I am reminded that we have placed at the front of the Courtroom a chart of table which lists the names of each of the twenty-three defendants, still a part of this proceedings. The key to the chart of positions of the defendants is at the left. Your Honors, we have prepared copies of the key to be circulated to you, but for some reason or other they are not here -- and if I may just briefly account for that table. I think it is quite easily readable by the defense counsel; so I'll only mention the English. This chart represents the Prosecutions position on the basis of the present evidence as to when the defendants acquired a certain status within I. I. Farben, there being only one exception to that general statement,

and that is the swastikas which indicate when a defendant became a member in the Nazi Party, the SS, or a member of the Reichstag, the latter applying only to the Defendant Schmitz who became a member of the Reichstag in 1933. The solid red indicates a Deputy Vorstand member or a full Vorstand member. After 1938 there were only full Vorstand members, and we have not thought it advisable to draw any particular distinction for chart purposes before 1938. Some listings of Deputy Vorstand members will appear in the next few days in the form of affidavits. The broken red line indicates a prokurist or director. This morning Dr. Boettcher made some reference to the position of prokurist. Prokurist, along with the Vorstand member, was in a position to bind the firm by his signature. In some cases he, with another prokurist, could bind the firm. The green on the chart indicated the technical side, Your Honors will recall the chart on the organization of I.G. Farben between 1938 and 1945 shows the technical side with green also. The solid green indicates when a particular defendant became a member of the TEA or the chief of an important technical committee -- when he became a plant manager -- and that only. The broken green line indicates other high technical positions apart from the technical positions listed under the green. The yellow indicates commercial or administrative positions, and the distinction between the solid yellow and the broken yellow is again largely the same. I note one error in the English which will not be an error in the German. Where it states a "plant manager commercial" that should be "departmental manager commercial." In the German the word will be "Betrieb" in each case, but I think in the English "department manager" will be the better rendition. This chart is calculated merely

to show graphically positions held by the defendants, and
we thought that by referring to these positions year by
year it might be of some assistance to Your Honors.

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THE PRESIDENT: Since this chart is before the Tribunal we would suggest that a copy of it be made in exhibit and put in the record, and that should go also for all the other charts, as otherwise they will be lost so far as the record is concerned.

MR. SPEECHER: Your Honors there will be one difficulty because of the color problem, but we'll try to do the best we can.

THE PRESIDENT: Very well.

MR. SPEECHER: Document FI-7221....

THE PRESIDENT: What book are you on, please?

MR. SPEECHER: Excuse me; I made a mistake. Document NI-8005 is found at Page 1 of both the German and the English. This is an affidavit of the Defendant Ambros, which we would like to mark in evidence as 278-- Prosecution's Exhibit 278.

DR. HOFFMANN: Dr. Hoffmann for the Defendant Von Der Heyde. Mr. President, it is not quite clear to me whether the Prosecution maintains that this chart which is displayed here is the result of the affidavits obtained from the defendants. If the Prosecution maintains this with respect to my client it is not true. I can acknowledge this chart only insofar as it is merely an assertion of the Prosecution, without consideration of the affidavit of my client.

MR. SPEECHER: Dr. Hoffmann is quite correct. There's the Prosecution's position and in case of the Defendant Von Der Heyde there is a great conflict between the Prosecution's position and the Defendant Von der Heyde, concerning his continuation during the war as an official of I.G. Farben.

DR. LUMBERT: Dr. Lumbert for the Defendant Kuehne. With respect to the Defendant Kuehne too, this chart does not agree with the statement handed over to the Prosecution for the Defendant Kuehne.

JUDGE MORRIS: May I ask the Counsel for the Prosecution the question before everybody has to get up. As I understood your statement, Mr. Prosecutor, the chart merely represents your contention or

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assertion....

MR. SPRECHER: Yes, sir.

JUDGE FORBIS: And that it is not to be considered as an admission by any of the defendants whatsoever, and they are privileged to take issue with the chart or any part of it in any subsequent proceeding. Am I correct on that?

MR. SPRECHER: Yes, sir Judge.

MR. SPRECHER: Prosecution Exhibit 278 is an affidavit of the Defendant Ambros concerning his personal career, positions, etc., dated 19 April 1947. Passing to the next document, NI-5000, found at Page 6 of both the English and the German Document Books, this is an affidavit of Ernst Struss concerning the personal career, positions, etc. of the Defendant Ambros, dated the 9th of January 1947, and which we would like to mark in evidence as Prosecution Exhibit 279. Now, Your Honors, although the Defendant Brueggemann has been severed from this case we do feel that Your Honors will want to have before you some indication of the positions held by Brueggemann since he was a Vorstand member and since he was the Secretary of the Vorstand, and since some of the materials will perhaps be only understandable if we put this material in. NI-6526 is an affidavit of the Defendant Brueggemann concerning his personal career, positions, etc., dated 2nd of May 1947. May I put that in as Prosecution's Exhibit 280. NI-5043, English Document XIV, German Document Book XV, is an affidavit of Ernst Struss concerning the personal career, positions, etc. of the defendant Brueggemann, dated 17th of January 1947. May we mark that in as Prosecution Exhibit 281. The next document, NI-9926, English Document Book XVI, German Document Book XVII, is a certificate concerning the positions held by the Defendant Puergin and the periods during which he held these positions, dated 23rd of August 1947. May we mark that in as Prosecution Exhibit 282? NI-5001 is an affidavit of Ernst Struss concerning the personal career, positions,

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etc. of the Defendant Buergin, dated the 9th of January 1947. May we
mark that in as Prosecution Exhibit 283?

The next document NI-5117 is another affidavit of Ernst Struss concerning the personal career of Bucrgin, dated the 15th of February 1947. That may go in as Prosecution Exhibit 284.

The next document NI-9366 may go in, with Your Honor's permission, as Prosecution Exhibit 285. It is a certificate of the defendant Bucofish concerning the positions he held and the periods during which he held these positions, dated the 6th of August, 1947.

DR. REINTGES (Counsel for defendant Bucofish): May it please the Tribunal, in connection with this affidavit I should like to come back to this chart once more because there is a contradiction between this affidavit and the chart with regard to the defendant Bucofish, on a point which I believe there is no disagreement between the Prosecution and the Defense but which I think is merely a mistake.

That is the question of Party membership of the defendant Bucofish, which is given the chart as the year 1935--while according to the list, in Exhibit 285, it was in the year 1938. As I said, I believe this is merely an error which the Prosecution simply can correct at this time.

MR. SPEICHER: Your Honors, there is no question about the fact that the defendant Bucofish claims to have been a member of the Party from only '38 until '45. I am not in a position to indicate the exact nature of the proof; which would have led us to make the indication that he was either in the Party or the SS from the year 1935, but I can assure Defense counsel that I will take it up with him outside of this session, and if the entry is a mistake, I shall correct it at the earliest possible moment.

THE PRESIDENT: In the light of the answer that was made to the inquiry of Judge we shall not regard the chart as binding upon any defendant as an admission as such, and in the event the evidence shows the contrary to any fact evidenced by the chart we shall rely and look to the evidence--rather than to the chart.

MR. SPRECHER: The next document NI-6236 is an affidavit of the defendant Bustarfish concerning his personal career and so forth, dated 18 April, 1947. May we mark in as Prosecution Exhibit 286?

The next document, NI-9271, is a certificate of the defendant Duerrfeld concerning positions he held and the periods during which he held his positions. May that go in as Prosecution Exhibit 287?

The next document, NI-8006, will be marked in as Prosecution Exhibit 288. This is an affidavit of the defendant Duerrfeld concerning his personal career, positions, dated 21 April, 1947.

The next document, NI-9760, may be marked in as Prosecution Exhibit 289. It is a certificate concerning the positions held by the defendant Gajewski and the periods in which he held these positions, dated 15 August, 1947.

The next document, NI-6429, is an affidavit of the defendant Gajewski concerning his personal career, positions, etc., dated 2 May 1947, and, with your permission, we will mark that in as Prosecution Exhibit 290.

Passing on to NI-9757, we have a certificate concerning the positions held by the defendant Gattineau and the periods during which he held these positions, dated 12 August, 1947. May that go in as Prosecution Exhibit 291?

DR. ASCHENAUER (Counsel for the defendant Gattineau): Mr. President I object to the submission of the affidavit of the defendant Gattineau until the prosecution has made the requested corrections in the affidavit, or has acknowledged them. Important changes in the document which were requested for paragraph 10 and 23 have not been made. It says here "illegible"; at the time when the affidavit was made when I was present there was a stenographer and 2 interrogators present for the prosecution. as for No. 10 it was requested, member of the Vorstand Denauchemie, A.G., Wien Austria, and Chief Betriebsfuhrer of the Vienna bureau, and

net of the plant. The correction resulted from No. 29, where it said in the draft of the prosecution, "Plant leader of the Donauehemic, A.G. Vienna Austria." Comparing the requested correction with No. 29, one can see the great difference which can be significant.

Then, under No. 23, it was requested that it be added "member of the Verwaltungsrat administrative council of the Sar at the time of foundation. This was not done.

On the last page of the affidavit, in the handwritten postscript I find a question mark in the text: "I point out that the positions in the corporations of Southeast Europe did not depend upon personal qualifications, but were automatically connected with the position of a managing director of Dynamit Nobel, Pressburg. In the original, there is no question mark after "automatically." Therefore, it was somehow added, it was not in the affidavit which we signed.

Then I should like to point out that number 28, 29, 31, on the last page of the affidavit should have been eliminated. I do not know whether the passages which crossed-out in the German document book are exactly those which I had requested to be taken out.

MR. SPR. CHLR: Your Honors, there seems to be something of the usual problem of transportation here. I think, if you will check the English later on, you will find that most of the objections you made have been taken care of, for example with respect to the Item 3. It is noted here that translator's note: "Item deleted" and there is no entry in the English whatsoever on that point. As far as the German is concerned, four black lines have been drawn across the stencil, and I think they appear rather clearly to indicate that it was stricken out, Doctor.

With respect to the question mark; with respect to Item 10, Defense counsel points out that in the German there is printed "unreadable", rather than the correct entry, which is in the English before your Honors.

I think under these circumstances that we should have a new copy of the German made which is better: Of course we relied upon the technical help and apparently they couldn't read it as well as Mr. Schoenfeld and you could read the corrections. They were made, so it did get into the translation, but the German copy is not good. However, that of course, does not affect the evidence, Doctor, as you know, because the document which actually goes into evidence is the original or a photostatic copy thereof.

THE PRESIDENT: It occurs to the Tribunal that this is such a matter that proper corrections ought to be agreed upon and made without delaying the proceedings, and, on the promise of counsel for the Prosecution that a corrected German copy will be furnished to counsel for the defense. We will let the admission of the exhibit stand subject to objection, if there is further controversy on the subject.

DR. ASCHENAUER: I believe that that settled the question.

MR. SPEECHER: NI-8788 may be marked in as--has already been marked in as Prosecution Exhibit 28. That is an affidavit of the defendant Gattineau, dated the 12th of June, 1947. NI-9755 may be marked as Prosecution Exhibit 292. It is a certificate concerning the positions held by the defendant Haefliger and the periods during which he held these positions, dated the 12th of August, 1947.

DR. VON METZLER (Counsel for defendant Haefliger): May I ask respectfully for the permission of the court to see the original?

MR. SPEECHER: If there is objection, I assume we can handle that later.

THE PRESIDENT: That may be done; you may proceed, and if there is an objection we will hear it later.

MR. SPEECHER: NI-5165 may be marked in as Prosecution Exhibit 293. This is an affidavit of the defendant Haefliger concerning his personal career, etc., dated the second of May, 1947.

The next document, NI-9268, may go in as Prosecution Exhibit 294. This is a certificate of the defendant von der Heyde concerning the positions he held and the periods during which he held these positions, dated the second of August, 1947.

The defendant wanted to see it, and his attorney passed it to him. NI-975 may go in as Prosecution Exhibit 295, with your Honors permission. That is a certificate concerning the positions held by the defendant Hoorlein and the periods during which he held those positions. It is dated 12 August, 1947.

The next document is NI-6787, an affidavit of the defendant Heerlein concerning his personal career, positions, etc., dated 2 May, 1947. That can be identified as Prosecution Exhibit 296--until we hear from Dr. Nelte.

DR. NELTE: (Counsel for defendant Heerlein): the affidavit NI-6787, on page 94 and 95 of the German, doc. book; page 8 and 9 of the affidavit; page 75 of the English text, contains some omissions on important points. Number 15 and Number 16 and Number 18. I should like to ask the Prosecution to give me the original of this affidavit so that I can decide whether it will be possible to supplement the omissions or whether it will be necessary to raise an objection.

THE PRESIDENT: The Tribunal suggests that this matter be passed for the time being to afford counsel for the Defense an opportunity to make an objection, if he sees fit. And we may proceed to the next offered exhibit without prejudice to the rights of this defendant.

DR. VON METZLER: (Counsel for defendant Haefliger): I have no objections, Your Honor.

THE PRESIDENT: That is with reference to what exhibit, please?

MR. SPÄCHER: That is with reference to NI-9755 which was marked as Prosecution Exhibit 292.

THE PRESIDENT: Thank you.

MR. SPÄCHER: The Prosecution will consider 296 merely as marked for identification under these circumstances.

The next document, NI-6699, may be marked in as Prosecution Exhibit 297. It is an affidavit of the defendant Ilgner concerning his personal career, positions, etc. It is dated the 25th of April 1947.

The next document, NI-9761, may be marked in as Prosecution exhibit 298. It is a certificate concerning the positions held by the defendant Jachne, and the periods during which he held these positions, dated the 13th of August, 1947.

Passing then to NI-5168, we have an affidavit of the defendant Jachne concerning his personal career and positions, dated the 29th of May, 1947. That has already been introduced in evidence, Your Honors, as Prosecution Exhibit 246.

NI-7020, the next document, is an affidavit of the defendant von Knieriem, concerning his personal career, positions, etc., dated 2 May 1947, which may go in as Prosecution Exhibit 299.

The next document, NI-9826, may go in as Prosecution Exhibit 300. It is a certificate concerning the positions held by the defendant Krauch and the periods during which he held these positions. It is dated the 20th of August, 1947.

The next document, NI-6525, is an affidavit of the defendant Krauch concerning his personal career, dated 20 April 1947. We will mark it in evidence as Prosecution Exhibit 301.

The next document, NI-5022, is an affidavit of Ernst Struss concerning the personal career, positions, etc., of the defendant Kuehno dated 11 January, 1947, and may go in as Prosecution Exhibit 302.

The next document, NI-5129, is a further affidavit of Ernst Struss concerning the personal career, positions, etc., of the defendant Kuchne, dated 15 February, 1947, and may go in as Prosecution Exhibit 303.

The next document, NI-9754, may go in as Prosecution Exhibit 304. It is certificate concerning the positions held by the defendant Kugler, and the periods during which he held these positions, dated 13 August, 1947.

NI-5008, is an affidavit of Karl von Heider, concerning the personal career, positions, etc., of the Defendant Kugler. It is dated the 9th of January, 1947, and may go in as Prosecution Exhibit 305.

NI-9759 may go in as Prosecution exhibit 306. It is a certificate concerning the positions held by the defendant Lautenschlaeger and the periods during which he held these positions, dated 13 August, 1947.

NI-8004, with Your Honor's permission, may go in as Prosecution Exhibit 307. This is an affidavit of the defendant Lautenschlaeger concerning his personal career, positions, etc, dated the 23rd of April, 1947.

The next document, NI-9893, is a certificate concerning the positions held by the defendant Mann and the periods during which he held these positions, dated 21 August, 1947. It may go in as Prosecution Exhibit 308.

There is a correction which I think we had best make after we have had a chance to check a little further, Your Honors, in connection with NI-9754. It has to do solely with several entries which were stricken as of a certain date, and the transcription is not completely clear, and I will take that up with Defense counsel.

THE PRESIDENT: Very well.

MR. SPEECHER: The next document, NI-5167, is an affidavit of the defendant Mann concerning his personal career and positions, dated 21 of May, 1947. It may go in as Prosecution Exhibit 309.

Passing to the next document, NI-9762, we have a certificate concerning the positions held by the defendant ter Meer and the periods during which he held these positions, dated 13 August, 1947. That may go in as prosecution Exhibit 310.

The next document is an affidavit of the defendant ter Meer numbered NI-5188, and it concerns his personal career, positions, and so forth, and it is dated 14th of April, 1947. That may go in as Prosecution Exhibit 311.

NI-9756, which we will mark as Prosecution 312, is a certificate concerning the positions held by the defendant Oster, and the periods during which he held these positions, dated the 15th of August, 1947.

NI-5166, which may be marked as Prosecution Exhibit 313, is an affidavit of the Defendant Oster concerning his personal career, positions etc., dated 2 May 1947.

The next document, NI-6539, may be marked as prosecution Exhibit 314. It is a statement by the defendant Schmitz concerning his personal career, positions, etc., dated 2 May 1947.

The next document, NI-5029 may be marked prosecution exhibit 315. It is an affidavit of Ernst Truss concerning the personal career, positions, etc., of the defendant Schmitz, and it is dated the 11th of January, 1947.

MR. SPRECHER: Your Honors, with your permission I would like to request that we continue past the usual breaking off place, if necessary, in order to introduce these last few documents. Is that agreeable?

THE PRESIDENT: Certainly. I think you will make it, the way you are going, in a very few minutes, and we will be glad to hear it.

MR. SPRECHER: NI 5136 may be marked in as Prosecution's Exhibit 316. This is an affidavit of Paula Ester, concerning the personal career, positions, etc., of the defendant Schmitz, dated 15 February, 1947.

The index should be corrected in the English copy to indicate "Paula" instead of "Paul" Ester.

The next document is NI 9753, which may go in as Prosecution's Exhibit 317. This is a certificate concerning the positions held by the defendant Schneider and the period during which he held these positions, dated 16 August 1947.

The next document NI 6846, is an affidavit of the defendant Schneider concerning his personal career, positions, etc., and it is dated the 26th of April, 1947. That may go in as Prosecution's Exhibit 318.

The next document, NI 5199, is an affidavit of the defendant von Schnitzler, concerning his personal career, positions, etc., dated the 31st of March, 1947. This may be marked, your Honors, as Prosecution's Exhibit 319 for identification.

However, I note that another affidavit by Dr. Hans Kugler, another defendant here, which was included therein, has not been attached to the original, and therefore we are at fault as the record stands, and I would like to have this marked only for identification until we can make up the discrepancy - the failure.

The next document, NI 5069 is an affidavit of the defendant Kugler, concerning the personal career, positions, etc of the defendant, von Schnitzler, dated the 17th of January, 1947.

Your Honors, that may go in as Prosecution's Exhibit 320. I think I can clear up the mystery of the last document. We marked the affidavit by the defendant Kugler concerning the defendant von Schnitzler as a separate Exhibit and actually, Exhibit 320 should also be incorporated by reference within 319 for identification, in that the defendant Schnitzler later checked the statement of the defendant Kugler, and referred to it in that exhibit.

With your Honor's permission then I would like to offer NI 5199 the affidavit of the defendant von Schnitzler, in evidence at this time. I think the record stands clear.

THE PRESIDENT: It will be so ordered.

MR. SPRECHER: NI 5013 is an affidavit of Ernst Struss concerning the personal career, positions etc of the defendant Wurster, dated 9 January 1947, which may go in as Prosecution's Exhibit 321, with your Honors' permission.

The defense counsel properly points out that is Prosecution Exhibit 321. NI 5140 may be marked in as Prosecution's Exhibit 322. This is an affidavit of Dr. Ernst Struss, concerning the personal career, positions, etc., of the defendant Wurster, dated 8th of February 1947.

Your Honors, that concludes the introduction of the affidavits in Document Book 11.

THE PRESIDENT: Now with respect to those affidavits or statements or certificates about which some question has been raised, and also with respect to those that have been marked only for identification, and have not been introduced, the Tribunal will appreciate the favor, if counsel will, as promptly as possible, make your necessary comparisons and corrections, and agreements of these are to be made, so that this book as a whole may be considered in evidence by the Tribunal.

It is now 5:20. Have the prosecution any desire to go further this evening, or do you intend now to pass to another book?

MR. SPRECHER: We will be passing, your Honor, to Document Book 12 which will be the beginning of the material on the history and organization

of I.G. Farben. I think it would be a convenient breaking-off point.

THE PRESIDENT: Very well. The Tribunal will then recess until 9:30 tomorrow morning.

(A recess was taken until 9:30, September 10, 1947.)

Court No. VI, Case VI

Official Transcript of the American
Military Tribunal in the matter of
the United States of America, against
Carl Krauch et al, defendants, sit-
ting at Nurnberg, Germany, on 10 Sept-
ember, 1947, 0930, Justice Shake, Pres-
iding.

THE MARSHAL: Persons in the Courtroom will please take their seats.

The Honorable, the Judges, of Military Tribunal VI.

Military Tribunal VI is now in session. God save the
United States of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: For the information of counsel, because we start
another engagement I may say that we propose to adjourn for the lunch
hour at 11:45 and to reconvene at 0130 today -- so that you know our
schedule.

Mr. Marshal, are the defendants present in the dock?

THE MARSHAL: May it please Your Honor, all defendants are present
save the defendant Furster who is absent due to illness.

THE PRESIDENT: The Prosecution may proceed.

MR. SPEECHER: May it please the Tribunal, we now begin to put in
some of the materials which are particularly important in understanding
the history and the corporate structure of this vast industrial concern.
The Prosecution does not hold forth itself as an expert who knows all
the intimate details concerning this fabulous network. However, for
the purposes of this case we believe that the required answers are
either known or can be readily ascertained. There are basic questions.
We would appreciate it if Your Honors, at any time, would ask questions
or indicate how you best think we could help clarify matters. In our
turn we shall be very frank to indicate where we cannot make a complete
answer at the time, and perhaps ~~in that event~~ you will be kind enough
to grant us a little time so that we can undertake to make the proper
clarification. There's one other thing I should like to mention before

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proceeding. Perhaps the most logical way to present the principle materials in the documents would be to go subject by subject throughout the materials, regardless of whether or not the subject matter was found in one document or twenty documents. However, because of the constant problem of the document books and the difficulties of relating the matters to one another throughout so many documents, we propose, in most instances, to proceed to exhaust the individual document as we go along, with appropriate explanations, if that's agreeable to Your Honors.

THE PRESIDENT: Very well.

MR. SPRECHER: That will mean a certain amount of repetition, but on the other hand I think it will mean a much more orderly record. The first document is NI-7221, which we should like

THE PRESIDENT: For the record, now, you are referring to Book XII. Is that right?

MR. SPRECHER: Yes, sir, that's right. which may be marked in as Prosecution Exhibit 323. The document consists of very lengthy excerpts from the "Handbook of German Stock Corporations" for the year 1938, the 43rd edition, where there are excerpts concerning I.G. Farben Industry. We believe that this is a publication of which Your Honors might wish to take judicial notice. It is the most extensive compilation concerning stock corporations, which was circulated in Germany. If you were to take the years from 1932 up to 1938 you would find very little difference in the text, so far as the historical matters are concerned, and you would further notice that many of the excerpts -- many of the portions of the Handbook -- are very standard in coming from such things as the Duisberg Memorandum of 1904, or from some of the publications which I.G. Farben put out itself at the time it issued or increased its new stock in connection with some new community of interests agreement or some new participations which required a larger new investment of capital. There are quite a number of things in this document which it

is important to point out; partly, I think, to save Your Honors the necessity of reading a great deal of detail or attempting to digest a lot of detail which we do not believe too material. The defense, in turn, believes some other portions of this document are material. In their turn I am sure we shall hear from them. I might point out that the materials in Appendix B of the Indictment should largely be established during the course of our presentation this morning. On page 1 of both the English and German Document Books here begins the history of I.G. Farben as it appears in this publication. It shows that in 1925, in the month of December, the "Badische", one of the predecessor firms, changed its name to "I.G. Farben", and that five other firms joined with the Badische in a complete legal merger of the assets and the goodwill and so on of these six former firms. In the middle of the page it's indicated that two other firms which also belonged to the old I.G. -- the old community of interests of 1916, namely, the Cassella and the Kalle Companies, did not merge legally since they were already mostly owned by the other firms of the I.G. And then quoting: "They were, however, included in the organization and manufacturing set-up of I.G. Farbenindustrie." Immediately following, you will note that Cassella was finally dissolved in 1937. It's possibly important to point that out so that some of the correspondence is more meaningful; then, often times you will note that the merged firm retained its name of the sub-head of much of the correspondence; so in many cases, of course, such a name as Bayer will appear in our correspondence long after this merger. In the next paragraph reference is made to the fact that most of these companies had their beginning back in the 1860's, as General Taylor mentioned in his Opening Statement. And, then, turning the page, page 2, and Pages 2 and 3 of the German, reference is made in the first full paragraph to the competition which developed very early in the game, which resulted in beginning of cartelization or communities of interests in the chemical field. Reference is made in the

first paragraph to the Duisberg Memorandum, and it is pointed out there that the results of that memorandum and the outstanding conditions resulted in the first community of interests in 1904, and that three of the firms, the Friedrich Bayer, the Badische, and the AGFA joined together. Now, there is an error in the Appendix B of the Indictment which I would like to point out at this time. The Prosecution made an error based upon some other general information which was given, that there was a complete community of interests between all the principal firms as early as 1904. As it turns out that is not true. There were two different communities of interests begun in 1904. And although there may have been rather intimate relations between many of the firms, one cannot properly say that there was a complete community of interests between all these major firms as early as 1904. On the contrary, there was what was called the "Dreibund", the association of three and the "Zweibund", the association of two. One additional factor might be pointed out, and that is that by stock ownership there was a certain association between some of the other firms who were not a member of either of the two bunds or communities of interests.

MR. SPRECKEL: Turning over to Page 5 of the English and Page 5 and 6 of the German, just before the numbered paragraph 3, there's the statement: "The name of Leverkusen's founder, Geheimrat Professor Dr Carl Duisberg, will always be associated with the establishment of the Leverkusen plant." We mention that because of some of the remarks in the Opening Statement concerning the importance of Dr. Duisberg in affecting the whole Ethos in which these events transpired. You will note in the middle of the same page that in 1925 or the beginning of 1926 Kalle and Company, which previously had manufactured dyes and pharmaceuticals, ceded its entire capital apparatus in that field to the merged firms. And then going to the next paragraph you will note that Kalle and Company went into entirely new types of manufacture, producing ozalid, cellulose, cellophane, and a number of other special materials. I note that because throughout Kalle and Company did maintain a separate legal entity, but for purposes of direction and administration it was subject to Sparte III, the Sparte leader of which was the defendant Gajewski. Going over to Page 6, pages 6 and 7 of the German, under the "Purpose of the Enterprise," you will note a rather broad scope, including, "The operation of other industrial enterprises." In this case, it is particularly well to emphasize that because of the tremendous numbers of other industrial enterprises which in one way or another were operated by I.G. Farben. In the basic information we made some reference to the fact that preferential shares in German "Aktiengesellschaft" in German stock corporations—often had greater voting rights than common shares. The proof of that will be found under the heading, "Voting rights" on page 7 of the English and page 7 and 8 of the German.

Going over to Page 8 of the English, pages 9 and 10 of the German, under the heading "Construction and Development", it's noted that in 1926 agreements for a community of interests were concluded with the following firms, and among them there is the A. Kiebeck'sche Montanwerke A.G., at Halle. In Appendix B of the Indictment we mentioned that

most of these firms were explosives firms. In one sense that should be qualified because Kieperk'sche Montanwerke was nothing more or less than a coal mine, but Kieperk'sche Montanwerke did produce coal principally for the DAG, and was very closely related to this explosive group around Troisdorf. In the next paragraph on Page 8 you will note that the assets of Kochen-Rottweil "as a going concern" were transferred to I.G. Farben, effective 1 January 1926. Kochen-Rottweil was one of the two larger explosives firms which had undergone a certain transformation after World War I. It hit upon financial difficulties and was finally absorbed by I.G. Farben, so far as its non explosives production was concerned, and by DAG or the Reich, so far as explosive production was concerned. Briefly, in passing, on page 8, and page 9 and pages 10 and 11 of the German, I think it is worthwhile to note the capital expenditures which were made in connection with some of these mergers. We point that out particularly because any such activity, of course, had to be approved by the Vorstand, and it became a matter of very general knowledge. That becomes important later on in this case in connection with acquisitions which the Prosecution claims were in violation of International Law and fall under the general topic of "Spoliation". At the top of page 10 of the English, pages 11 and 12 of the German, brief reference is made to the famous concern I.G. Chemie. The laconic note here is that this firm, which had its headquarters in Switzerland, was formed so that I.G. would not be forced to finance foreign participation with its own means. There will be further reference to this concern in some of the Sub-Counts. In the middle of Page 10, may I point out that in 1929 Farben acquired the majority shares in the Behring'sche Werke. That's the Behring Works. And when we see that name in the future why I think it is clear that it is, in effect, I.G. Farben speaking, regardless of what the title of the letter may be. Skipping down two paragraphs, there's a brief reference to the I.G.-Standard Oil Agreement often referred to as Jesco, which will come up later on. At page 12,

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pages 13 to 15 of the German, the middle of the page, reference is made to a merger in 1931, which it is important to bring to your attention. In this description of I.G. Farben in the "Handbook of German Stock Corporations" you will note that there is an account of the fact that in 1931, the five companies merged into DAG in 1931. The purpose given is order to simplify administration and economize on costs. It's perhaps interesting to note under the heading 1933, on page 12, the reference to the stimulation to the German economic situation, which was attendant upon the coming to power of the Nazis, and underneath the entry 1934 it's noted that there was a stimulation in the home sales of various I.G. products: "This was especially apparent in the new spheres of work, the aim of which was an improvement of German raw material supplies." And then going over to 1935 on page 14, pages 16 and 17 of the German, "The year 1935 was marked by the progressive conversion of the German internal economy to autarchy, and at the same time, promotion of foreign trade for securing foreign raw material supplies. " In effect, a forecast of the four year plan which was about to be announced in 1936. Coming to the year 1936, I would like to quote the first paragraph. "In 1936 extraordinary demands were again made on the enterprise with regard to scientific, technical and financial matters, for the development of new and existing working spheres which are to ensure raw material supplies for Germany. At the same time, very special efforts were devoted to export promotion." Then coming to 1937 on page 15, pages 17 to 19 of the German, 1937, quote: "On looking back on the year 1937 it is possible to summarize by saying that in that year too I.G. continued to work willingly and in concert towards the aims of the Four Year Plan and increased efforts for exports." There's rather heady comment perhaps toward the end of the next paragraph, Comment has been made about the disturbed international situation. And then comes a rather interesting sentence: "This fact gives rise to the hope that further reverses in the development of world economy will be avoided when in other countries, too, confidence in their economic-political leadership is reestablished."

(Sprecher) Now on page 19 of the English, pages 22 and 23 of the German, there is a heading called, "Streamlining of the Concern". In 1937, your Honors, there was a rather substantial change, outwardly in any event, in the German law on stock corporations. The leadership then, which had been carried in the most aspects of German economic, political and social life, was increasingly being inserted into industrial economy, and apparently, there was a certain dislike on the part of the regime for some of the networks in the industrial economy which made it a little difficult to find out just who was doing what to whom, and as a result there was a great amount of pressure to eliminate some of the concerns.

In Farben I do not think this had too great an effect, but in any event, here are listed some of the capital participations which Farben had previously held and which had been listed merely as stockholdings, and which after 1937 could no longer appear as holdings, because the individual firms had been completely obliterated, even the fiction of legal identity disappearing, and there are listed Cassella & Company, and among other things, some of the principal mines owned by I. G. Farben.

You will note just after that there is reference to the fact, that 9 smaller companies were also merged, and they are not even mentioned by name because their duty consisted mainly of the administration of landed property.

I point that out partly because this indicates the dilemma of an outsider in attempting to follow the intricacies of some of the capital relationship with which we are concerned. However, as I said before, I think we have more than enough facts for the purposes of this proceeding.

Turning over to page 22 of the English, and page 26 of the German, it has been called to my attention that in the German document book some of these pages have been omitted.

Your Honors we will attempt to make up this discrepancy. Since the Handbuch der Deutschen Aktiengesellschaft is available in the library, and in almost any business office and the local banks, I am wondering if there will be objection, if I merely mention briefly some rather objective material, -- for example the description of the plant spheres, and some of the addresses of some of the sales organizations.

THE PRESIDENT: The Tribunal hears no question.

BY MR. SPEICHER:

On page 22 of the English, and that will be found at page 5276, or just before and just after in the Handbuch der Deutschen Aktiengesellschaft itself, there is a description of the plant, and under paragraph 1, the production spheres are noted.

Underneath paragraph 3, reference is made to the railroad equipment, which is owned or at the disposal of I.G. Farben, and then at the bottom of the page, there is reference to the Works Combine, and your Honors will note up on the chart before you, on the wall, the five works combines appear beside the plants.

We shall later introduce more evidence to indicate certain of the lines of authorities between the works combines and the individual plants.

DR. GIERLICH, (for defendant Schmitz): Since the prosecution is for the first time referring to the chart displayed here, I consider it important to make it clear that this chart is not one in regard to which there was a stipulation between prosecution and defense.

At the present moment this chart is a one-sided presentation of the prosecution, and the defense reserves the right at the proper time to present documents to correct it.

THE PRESIDENT: The Tribunal regards this chart as expressing what counsel for the prosecution expects the evidence to show, and insofar as it is not supported by the evidence, it will be disregarded in the consideration of the case.

BY MR. SPRECHER:

Other certified charts we either have or intend to introduce will tend to show graphically the one-up of some of the plants in the works combine, but here in the year 1938 there is a listing; -- similar listings will appear in later copies of the handbook on joint stock corporations.

Turning over to page 24, and that is still on page 5276 of the handbook, reference is made to the I.G. Mines Halle (Saale). Thereunder are listed the two different types of mines owned by I.G. Farben, so-called lignite mines and the bituminous coal mines.

On the chart you will note that coal mines and the I. G. Mining Administration fell under the general direction of Sparte 1, which was first under the head of the defendant Krauch, and later under the chieftanship of the defendant Schneider.

The next item takes up sales, and I would like briefly to note that the dye stuffs sales departments were in Frankfurt, at the main headquarters, and that the chemicals sales combine was also located in Frankfurt. However, the pharmaceutical sales combine was located in Leverkusen, where the defendants Mann and Kuehne had their headquarters.

You will note under Nitrogen that the sales were made through the Stickstoffsyndikat, that's the Mi Wogen Syndicate, GMBH in Berlin, whether or not those sales were for ordinary nitrogen, or for technical nitrogen.

The defendant, Oster was the head of the nitrogen syndicate; the sales combine Agfa had its headquarters in Berlin, and you will notice later on that there were a number of other sales organizations. Therefore, on the chart, we have indicated the sales organizations for nitrogen, oils etc. There were some special sales arrangements for copper, rayon for example, and for artificial fibers or viscous rayon.

Now the very important item, gasoline, was principally sold

through Deutsche Gasoline, the Gelman gasoline Company, whereas most of the oil was sold through the I.G. Department Oil, also located in Berlin. That is over on page 26.

Then there comes a heading called, "Central Officers," and a number of the central offices at Frankfurt, Berlin and Ludwigshafen where the defendant Von Knieriem had his headquarters. The defendant, von Knieriem also being the head of the Patents Commission and the legal department of I. G. Farben.

On the next page, 27, there is a heading called: "Field of Interest of the I.G." and there you have roughly the breakdown which existed in the 3 Sparte. First, nitrogen, oils and mines, in Sparte 1: and secondly, dye stuffs, chemicals and pharmaceuticals in Sparte 2: and thirdly, photographic materials, rayon, which are in Sparte 3: although some of the -- I withdraw that -- I thought Buna was listed there. Of course, Buna came under Sparte 2.

Now in the next pages, beginning on page 29, there are some general materials concerning contracts and agreements in the important production field, and reference is made to DAG there, in a substantially clear manner, so that perhaps we can avoid some detailed reference to some of the contracts we shall later refer to, if I make mention of that now.

You will note in the first full paragraph that IG pays the amount necessary to pay a dividend which equals half the dividend paid on IG's ordinary shares with respect to the shares of DAG.

However, much more important is the entry at the top of page 30 where it is indicated that IG is entitled to state at any time that it wants to take over the assets of the Nobel Company by merger at this same ratio, and then assuming that the stockholders of the DAG in their annual meeting did not agree to this proposal, then, in that case, irrespective of whether IG Farben uses its right to give notice or not, IG may demand that the real estate, buildings,

apparatus and holdings as existing at the end of the respective financial year, or whatever part of these items IG may wish, at its own discretion, can be acquired by IG at the book value shown on the last balance sheet.

We submit that DAG as a captive concern of IG Farben's could not be proven in much clearer terms.

A similar agreement with the Ricbeck'sche Montan, will be found over on page 31 of the English, and that is at page 5280 of the handbook. There is a similar arrangement to that which IG had with the DAG. If for any reason the agreement is cancelled, then IG could take advantage of the right to take over the entire coal mining rights and all the equipment at the book value according to the last balance sheet.

In the next paragraph under IG Chemie, there is reference to a fact, I do not think at all in doubt here, and that is, beginning in 1929, IG had an arrangement whereby it guaranteed the dividends of IG Chemie. That was later altered under circumstances which we will bring to your attention at a later time.

Turning over to page 33 of the English, at that page 5281 of the handbook, the quotas prevailing for nitrogen in 1938 are listed there. These quotas were fixed on the basis of production capacities, and the Stickstoffsyndikat, The Nitrogen syndicate, was the principal agency for making these arrangements, and for making these sales. You will note that IG's quota, 861,393, - that is 861,393 tons, was much greater than all the quotas of the other concerns put together.

There was also some influence by IG upon the other concerns through capital participation. For example, in the paragraph above, it is noted that the A.G. fuer Stickstoffduenger Knapsack is closely associated with IG Farben industry.

The balance of the materials in the handbook are principally charts, and most of them were included at

a time when we did not know how much other of better proof we would have. I do not think that you need to bother yourselves about the rest of these pages unless the defense should indicate it believes something therein to be particularly relevant.

Now your Honors, the next document is NI 5179, that was not included originally in the book, although it was in the index, due to some difficulty in reproduction. Do you have your copies of NI 5179? They were distributed. I think they were in the defense book. Is there any difficulty there, Dr. Gierlichs?

DR. GIERLICH: No.

MR. SPRECHER: We would like to put in NI 5179, as Prosecution's Exhibit 324. This is the Community of Interest Agreement between the eight principal chemical firms of Germany in the year 1916.

I am sorry to be a little slow, but I just got my copy.

On page 13 of the actual translation, and on page 12 of the original, in the German, --I do not know the page in the German document book, -- Page 38 in the German document book, -- there is an indication in paragraph 14 as follows:

"All questions affecting the common interests and involving the furtherance of the goal aimed by the community, will be dealt with by the entire group of corporations." If a direct understanding cannot be reached among the corporations, the questions will be brought before the "GR".

Now, the "GR" referred to the Gemeinschaftsrat, which was the council of the association of these companies, and I think it is unmistakable from the language following, that there was the power in the Gemeinschaftsrat, regarding loss of the wishes of a particular

individual concern, to determine all the fundamental and basic matters which would come before industrial concerns which have any particular importance, and, therefore, your honors, we certainly have felt no hesitancy in saying that since 1916, since the middle of the first World War, there was in effect an GR in existence, and for all practical purposes administration of the chemical industry of Germany was subject to unified control and direction.

There is nothing further in that document which we need to check on particularly unless some particular question may be raised later. The next document is the map concerning DAG which had been certified by Dr. Struss, the Chief of the Technical Committee.

It is already in evidence as Prosecution's Exhibit 48. I believe Mr. Chermatz already indicated to your Honors that Wesag over on the right hand side should really have been included with the solid line because more than 50 per cent of its capital was directly owned by I.G. Farben and not by DAG. I am sorry, it should not have been included. It really should have been on the IG chart, and not on the DAG chart.

The next document, NI 5827, is already in evidence as Prosecution's Exhibit 17. This is a copy of the joint interest agreement made by IG Farben, the Deutsche Leanderbank, the German Provincial Bank, and DAG, formerly the Alfred Nobel & Company, which is the famous Community of Interest agreement made just after I.G. Farben was founded in 1925.

The year of this agreement is 1926, and here is the agreement whereby it seems entirely clear that DAG, and in offset the principal explosives producing group of

Germany, became a captive of IG Farben.

In view of the materials in the handbook of Joint Stock corporations, which is published openly, it does not seem necessary to go into these details, unless some particular question may be raised.

Therefore, I will pass to the next document, NI 8313, which may go in as Prosecution's Exhibit 325. This is an affidavit of Dr. Struss again, concerning Farben in the nitrogen and explosives field.

In paragraph 1, Dr. Struss notes that, "Nitrate is the essential raw material for the production of gun power and ammunition. The basic element in nitrate production is nitrogen".

Then Dr. Struss goes on to show Farben's unique position in that field. He mentions the Community of Interest agreement of 1926, and then Dr. Struss notes how Farben dominated the DAG, and indicates the overlapping in the governing body.

He also notes that Dr. Bosch Duisberg, the defendant Gajewsky and the defendant Schmitz at one time or another were on the Aufsichtsrat of DAG whereas the chairman of DAG, Dr. Paul Mueller was a member of the Technical Committee of I.G. Farben and he also, as will appear later, on the Aufsichtsrat of I.G. Farben.

Further indication is given that Farben could have controlled DAG even without this capital arrangement, if it so shows, because of the reliance of any explosives group upon the products produced by Farben, namely, nitrogen and various intermediates.

On page 78 of the English which is pages 61 and 62 of the German, reference is made to the fact that I. G. and its subsidiaries, DAG and Wasag manufactured eighty-four percent of Germany's explosives and seventy percent of Germany's gun powder from its nitrogen and intermediates production.

The next document is NI-6977 which may go in as Prosecution Exhibit 326. This is a statement by the defendant, von Knieriem, concerning IG and its relationship to DAG and Koeln-Rottweil. Farben's chief lawyer notes that under the contract DAG had to follow the directions of IG in important matters, and he states that he doesn't exactly remember the wording.

JUDGE MORRIS: Mr. Prosecutor: I have been looking for a date on that document as to when that statement was made. Does it show anywhere when it was made?

MR. SPEECHER: Dr. Silcher has it at the moment. As soon as I -- thank you. The date is the 16th of December, 1946, Your Honors --

JUDGE MORRIS: Oh, on the last page I see now.

MR. SPEECHER: And this was submitted in his own handwriting to representatives of OCCMC in Nurnberg.

DR. GIERLICH: Gierlichs. May I ask Mr. Sprecher to tell me in what part of the statement of Dr. von Knieriem he finds the proof of the statement which he has just made, that the DAG in effect had to follow the line laid down by the IG.

MR. SPEECHER: It is in the middle of paragraph 2. This statement was submitted in the English language and what I read was reading practically verbatim.

DR. GIERLICH: Then in order to avoid a misinterpretation of the exhibit, may I point out that Dr. von Knieriem at another point expresses that at least for the period of the war this arrangement was not in effect, and to complete the picture I may perhaps point out that the Defense will later bring evidence to the effect that this arrangement was eliminated not only during the war but before the war, too.

MR. SPRECHER: Turning over to page 81 of the English, page 63 of the German, under paragraph 3 I would like to make a note which I think has some bearing on what Dr. Gierlich just said now, and to us shows a rather ludicrous position which has been taken by some of these defendants. Can you imagine a situation, Your Honors, in which the chief counsel of I. G. Farben did not know until the year 1945 when he was in prison with some of the other defendants that there was some kind of a gentlemen's agreement between the defendant, Schmitz, and the deceased Dr. Paul Mueller that Farben actually would not insist upon its prerogatives with respect to dominating DAG?

The paragraph in question states as follows:

"I learned in the Kranzberg camp from some of my associates that there was in existence a gentlemen's agreement made between the late Dr. Bosch and Schmitz on one part, and Mueller on the other part, that as long as Mueller was president of the Vorstand of Nobel he should be in spite of the fundamental contract, in effect independent."

DR. PELCKMANN: Mr. President, I should like to ask that the whole document be read as is customary, and I should like to ask that the argumentation undertaken by the Prosecutor be stricken from the record. I believe at present documents should merely be offered in evidence.

THE PRESIDENT: The Tribunal will so consider the matter. The entire document will be read by the members of the Tribunal, and I think that the Counsel for the Defense may be assured that the Tribunal can distinguish between the text of the document and argumentative observations with respect to it made by Counsel for the Prosecution.

MR. SPRECHER: In the next paragraph, paragraph 4, I think it is also important to point out that the defendant, von Knieriem, claims to have found out in the Kranzberg camp from ~~ter~~ Heer, the defendant, ~~ter~~ Koer, that this did not apply in wartime, of course. In connection with what Dr. Gierlichs said, the Prosecution believes it already has submitted a certain amount of proof to show very close collaboration between DAG and IG Farben through Vermittlungsstelle-17, through the Technical Committee, and in conferences with Wehrmacht representatives. There will, indeed, be much more to follow:

The next document is MI-6234 which may go in as Prosecution Exhibit 32 -- I am sorry, Your Honor, -- that has already been marked in evidence as Prosecution Exhibit 16. That is an affidavit of the defendant, Buetschisch, concerning DAG which I think we can rapidly pass.

The next document is MI-6498 which has also been marked in evidence as Prosecution Exhibit 111. May I make a very brief reference again to this document particularly in view of Dr. Gierlichs' comment. This is a letter from Dr. Paul Mueller dated the 9th of December, 1935 -- that is four years before the War broke out -- in which Dr. Mueller tells Director Kraenzlein at the Hoechst plant of Farben that he is very glad to observe the "most gratifying results of the closer collaboration in the sphere of high explosives upon which we embarked sometime ago," and then he notes later on that the Army Ordnance Office which indeed would be the office most concerned with explosives production in connection with re-armament, had indicated its congratulations to DAG for its fine work "by close collaboration with IG" and one of the departments of the Army Ordnance Office.

And then going down a page away just under the entry, page 2 of the original, Paul Mueller of DAG indicates his pleasure at being able to meet Kraenzlein in Berlin when certain materials developed by their experts will be demonstrated.

You may pass over then to NI-6345 which will become Prosecution Exhibit 327. This is another letter of Mueller, chairman of the Vorstand of DAG, which is this time written to Dr. Ludwigs in the sales combine chemicals. At this time the sales combine chemicals was under the direction of the deceased Vorstand member, Wober-Andreas and not under the direction of any of the defendants in the dock. The letter notes in paragraph 2 that since to all intents and purposes DAG is a branch of I.G., Mueller can't see any reason why certain figures concerning the turnover of Ecarit cannot be given to DAG, and then it notes that if he can't have these figures because he is with a subsidiary company, he would like to have them because he is a member of the Aufsichtsrat of I. G. Farben.

I can't believe that a firm which to all intents and purposes a branch of the I. G. was so independent that the right arm did not know what the left arm was doing in these matters.

The next document is NI-807 which is a letter of Dr. von Schnitz to Dr. Mueller, chairman of the Vorstand of I. G. Farben, and that may be marked as Prosecution Exhibit 328.

DR. GIERLICH: Gierlich. In the last document submitted by Mr. Sprecher, NI-6345, in my opinion the decisive sentence was not correctly translated. The German text reads:

"Since the DAG is in practice a piece of the I. G. --"

I believe the choice of words in the English translation emphasizes this sentence more than the German text. I should like to make this statement because the Prosecution apparently lays great stress on this particular statement.

In this connection I should like to say on principle, however, that in many other cases the Defense does not approve the English translation of the German original documents. We should like to suggest on general principle that if we had the opportunity to check the documents, we could contact the Prosecution and jointly discuss the parts which we object to and that we would bother the Court with this question only when the Prosecution and the Defense fail to reach an agreement.

MR. SPRECHER: On the latter point I think Dr. Boettcher and myself and possible other Defense Counsel have already discussed this exact possibility that Dr. Gierlichs suggests, and I have appointed Mr. Wolffsohn of our staff to meet at any time with Defense Counsel on these points where they believe that a translation is seriously misleading. I am quite certain that in most cases agreement will be reached and when not, the matter can be submitted in writing to Your Honors so that you can submit the disagreement to an official translator for checking.

THE PRESIDENT: In the instant case the Tribunal would suggest that Counsel for the Defense and the Prosecution confer with respect to this translation and subsequently report to us whether or not they can or cannot agree upon the proper translation.

MR. SPRECHER: We, I think can agree on a translation immediately. The works in question are the very first works of paragraph 2 of the translation, and we will agree on the following translation:

"The DAG is practically a piece of I.G."

THE PRESIDENT: Is that satisfactory to Counsel for the defendant?

DR. GIERLICH: Yes.

THE PRESIDENT: Very well.

MR. SPRECHER: Your Honors, I personally think that

the translation was very good. It was not quite as literal as the translation Dr. Gierliche prefers, but the Prosecution is quite content.

THE PRESIDENT: Well, we have passed that now. Let us go on to something else.

MR. SPRECHER: Prosecution Exhibit 328 is a letter of Schnitzler dated 2 April 1941 to Dr. Mueller. Now it is indicated that the defendant, Schnitzler, had learned in Italy that certain agreements with the Vichy Government had been approved and could be considered as settled, and he goes on to give certain information, and then he notes toward the bottom that "DAG will be taking up with the representatives of Kuhlmann --" that is a French concern which will come into the evidence in more detail at a later point. The DAG was dealing with the representatives of Kuhlmann concerning certain synthetic materials, and then Schnitzler goes on to say and I believe this to be the most decisive sentence:

"Taking your approval for granted, I have, therefore, through Dr. Kramer, already passed on this request of the DAG to Paris, and our technicians will certainly be able to report to you in detail upon their return at Easter as to the most expedient way of bringing about further discussions."

I won't go into the significance of the various names and the various discussions because that will come out underneath Count II in much more detail. Here in a presentation concerning corporate structure, I merely wish to underline the fact that I.G. would act for DAG in such important matters as international negotiations and then inform Mueller afterwards and later tell him that the I.G. experts would soon inform him as to how further discussions were going to take place.

Now, Your Honors, turning to page 89 of the English there is an error. The document appearing in your original document books is NI-4626. It should have been NI-4625.

Copies have been distributed to correct the German document books. Do Your Honors have corrected copies there? If not, we have them.

THE PRESIDENT: I do not think we do have any corrected copies of that document. I haven't seen them.

MR. SPRECHER: Your Honors, if you would correct the index in the English, page 2, so that NI-4626 would appear as NI-4625, then the description in the index is quite satisfactory. Now that document may become Prosecution Exhibit 329 with your permission. The reason we bring it out here is because of the distribution list as much as anything else. You will note, Your Honors, that it is a letter of the Vermittlungsstelle-W dated the 23rd of March, 1937, and that copies are sent to the four principal works combines which will appear there on the chart and also to the mining management which again appears over on the chart underneath Sparte I, and that a copy is sent to DAG. Then there are informational copies to Dr. Meyer, the head of Gajewski's Sparte bureau or the office of the defendant Gajewski's Sparte, and to the Counter-Intelligence Department, Department A of Vermittlungsstelle-W at Leverkusen, and the topic of the letter is concerning economic mobilization of the I.G. works.

Now the next document, NI-5184, may go in as Prosecution Exhibit 330. Here we come, Your Honors, to a document which on the whole I think should be very helpful to you in understanding some of the history and some of the operation of I.G. Farben.

JUDGE MORRIS: Mr. Prosecutor, what becomes of NI-4625 on page 89 of our English document book? I seem to have lost track of where that comes in. Has that been offered?

MR. SPRECHER: Yes, Your Honor. I offered that as 329.

JUDGE MORRIS: So then the document that was handed to us is 329?

MR. SPRECHER: Yes, that's right.

JUDGE MORRIS: Yes.

THE PRESIDENT: What Judge Morris refers to, I think, is the document on page 89 which purports to be a copy of a letter that was originally identified as NI-4526 which you have now passed.

MR. SPRECHER: Your honors, this document will come into the proof under the subsection of another Count, and you may neglect it in this particular document book entirely.

THE PRESIDENT: That may be taken out of this book.

MR. SPRECHER: Yes, sir. Well, of course, the document books are just the reference manuals, and unless we put a particular document in evidence, Your Honors need not consider that it is the Prosecution's position that it is in evidence. I regret that I didn't tell you that we could pass that document.

THE PRESIDENT: It is now the time for our morning recess. The Tribunal will recess at this time.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: The Tribunal will ask leave to withdraw the statement made this morning about an early adjournment. We are not sure at just what hour we shall adjourn for our noon lunch, but it will be governed by some information that will be received by the Tribunal; so if we do abruptly adjourn you will understand the circumstances.

MR. SPRECHER: Your Honor, I was discussing Prosecution Exhibit 330. I would like to note that on page 2 of the index to the documents in Document Book 12 there is a typographical error after this document NL-5184. It should be "April 1947", of course, and not "April 1927."

I was discussing NL-5184, an affidavit of the Defendant Ter Meer. As I stated, I think your Honors will find this affidavit very helpful. There is only one rather important observation that I would like to make in advance before mentioning some of the points in several of the ensuing affidavits of the Defendant Ter Meer. The fact that a trial was anticipated will appear to have existed at least two years ago. And after discussions of this whole question I think certain policy concerning a defense was laid down and decided upon. In these affidavits there will creep out from time to time certainly some of the results of that determination. Now, I should say principally it has to do with the emphasis placed upon the question of centralization vs. decentralization of the concern. That is apparently one of the most basic points which is brought up in numerous occasions to show that many of these defendants did not know what other officials of Farben were doing. Our position, of course, is quite to the contrary, and apart from unimportant detail in most cases the leading members of the concern were amply enough advised of the principle matters upon which we rely here to establish crime.

Before going into NL-5184, I would like to, if I may, skip down to the two charts which are in your document books, down, perhaps, 50-60 pages; page 166 and 167 of the English.

THE PRESIDENT: Is this a reproduction of the chart that is on the wall?

MR. SPRECHER: No, sir. The second chart is the chart which is reproduced on the wall--the 1938-1945 chart, in other words.

THE PRESIDENT: Very well.

MR. SPRECHER: Now, I would like to mark the first chart, NI-10041, as Prosecution Exhibit 331, and have it marked in evidence.

THE PRESIDENT: Where is that chart listed in the index?

MR. SPRECHER: It is listed down, Your Honors, three documents from the document we were just on. It is on page 2, about two-thirds of the way down the page.

THE PRESIDENT: Very well. What number will that bear now?

MR. SPRECHER: That will bear Prosecution Exhibit 331.

THE PRESIDENT: Thank you.

MR. SPRECHER: And the next document will bear the number Prosecution Exhibit 332. Your Honors will note that there are certificates at the bottom of each of these two documents by the defendants Mann and Ter Meer, and after those certificates had been made on those documents I received, through Dr. Berndt, Defense Counsel for both Ter Meer and Mann, a memorandum from the Defendant Ter Meer, which I wish to read to the Tribunal.

Dr. Berndt was present at the time I submitted several proposed charts to the defendant Ter Meer, and after a number of suggestions had been back and forth, it was felt at that time that the product which we have before us in these two documents and in the chart on the wall would be fairly satisfactory for purposes of making points which the Prosecution had which the Defendant Ter Meer thought perhaps the Defense had. And thereafter, this letter came to me. It is dated the 29th of July 1947, and I think it only fair to read it in its entirety since it touches upon one important point particularly.

If Your Honors will note, on the right-hand side, there is a box called "Legal and Patents Departments."

"Attention: Mr. Sprecher."

"1. Organization of I.G. Farben."

"Mr. Mann and I have given some thought to the general organization plan of I.G. Farben. After consulting with Dr. von Knieriem, we do not think it advisable to mention the Central Legal and Patent Departments as a separate department because it did not exist as such. All the works and the sales communities had their own legal departments, and all the works or at least the more important ones, had their own patents departments. The work of the various legal and patent departments was coordinated through the two committees Rechtsausschuss and Patent-Kommission--" in the English, Legal Committee and the Patent Committee, "In both committees Dr. von Knieriem acted as chairman. We therefore recommend to mention instead, and for the sake of giving some examples, the Central Bookkeeping Department and/or Central Tax Department because those were existing departments in the main office building at Frankfurt."

With that explanation.

THE PRESIDENT: Just in the interest of clarity, does the prosecution accept the statements of Dr. Ter Meer as stating the fact with reference to the corporate organization, or do you have in mind producing other evidence to support your diagram as it appears on the wall of the Courtroom?

MR. SPEECHER: We believe the diagram as it appears is justified. I do agree with many of the individual facts and points which the defendant Ter Meer indicated in his letter.

THE PRESIDENT: Then the Tribunal will consider the diagram as representing what the prosecution expects to establish by the evidence rather than as an exhibit before the Tribunal at this time.

DR. SPEECHER: Well, Your Honor, may I speak to that point?

THE PRESIDENT: Certainly.

MR. SPEECHER: The diagram is actually only a copy of prosecution Exhibit 332 which was certified to by two defendants as being correct and thereafter this amendment was made. We feel that there is evidentiary basis supporting the chart, although the chart is susceptible to some further explanation as is indicated by the letter of Ter Meer and some comments which I shall have to make about other entries on the chart, because any chart is not a final showing without any qualification of the matter of reports graphically shown.

THE PRESIDENT: What the Tribunal had in mind was this -- that the situation is no different as we see it where a witness once says that this chart is correct and later on further study we were in error, or I was in error, and wish to correct it. Then, if on the witness stand he should answer counsel to the question and then before the stand and calling attention to the Court that he had committed an error and ask to correct it; but be that as it may, we shall admit the chart in evidence subject to such explanations as may be offered by the defense

and subject to such supplemental proof as the prosecution may wish to make with reference to its authenticity.

DR. SILCHER: To the subject matter itself I can confine myself to the general reservation that every defendant may later make objections to the correctness of the chart. However, with regard to the quotation which Mr. Sprecher has made, I want to point out the following. He read-and please excuse my English-the "Central Legal and Patents Departments." I wanted to point out that the words "Central Legal and Patents Departments" are in inverted commas. That is important for the sense of what Mr. Ter Meer wanted to express.

MR. SPEECHER: I completely agree. I am sorry I did not quote the quotation marks.

THE PRESIDENT: Very well.

MR. SPEECHER: Now your Honors, the reason I jumped ahead is because in the discussion in the affidavit by Dr. Ter Meer, NI-5184, we began to run into a number of these departments and agencies of I.G. Farben in a certain amount of detail, and I think it will be probably well if we detain ourselves for some time on some of these points in order to keep clearly in mind the relationship between these instrumentalities by which I.G. Farben accomplished its job and the relation between the personalities who were most important in seeing that this job was accomplished through these various agencies. On page 91 of the English, page 75 of the German, reference is made to the large size of the first governing bodies of I.G. Farben.

There the defendant Ter Meer out that at the time of the merger in 1925 the whole Vorstand members from the older firms all were moved down to the Vorstand in I.G. Farben and similarly with respect to the Aufsichtsrat. Then he goes on to state that both these governing bodies were entirely too large to effect a proper direction and to perform their functions and that each actually worked through a smaller group.

Now if you will look at prosecution exhibit 331, the chart from 1932 to 1937, you will see to the right hand side of the Aufsichtsrat that there was a Verwaltungsrat. The word we will not translate but really more or less means administrative counsel, and then you will note within the Vorstand that there is shown a smaller committee called the working committee.

These are the two bodies to which the defendant Ter Meer is referring, and indeed we certainly accept this as correct.

Now there is a discussion beginning on the next page of the functioning of the Aufsichtsrat and we think it important to note certain matters there. This will run to prove some of the matters we placed before your Honors in the basic information which we think is fairly objective of how A.G.'s or joint stock corporation operated and also it will run toward some of the things in the opening statement as well as to the corporate structure in so far as it is necessary to go into it now.

Toward the middle of the page 92, you will note that the Aufsichtsrat met only three or four times a year in order to have a report presented from the Vorstand which was read by the chairman of the Vorstand. And then after the nature of that report is gone into, there is one sentence which is particularly important:

"I know of no case where the Aufsichtsrat opposed any of the policies carried out by the Vorstand or where the Aufsichtsrat directed the Vorstand to carry out a particular policy."

Then going on a little further, the Aufsichtsrat selected the Vorstand members under German law. However, as is noted here in I.G. Farben, the chairman of the Vorstand, after having consulted with the members of the central committee of the Vorstand, the Central Committee being the senior Vorstand members ordinarily and the persons and some of them the leading Vorstand members, who were over whole groups of plants

in a certain sense, certainly all the Sparte leaders and after the Chairman of the Vorstand had had such discussions, he in turn talked to the chairman of the administrative council of the Aufsichtsrat or later on the Aufsichtsrat committee, which group were respectively at different points little administrative, executive committee of the Aufsichtsrat, and they discussed these appointments to the Vorstand.

You will note that the defendant Ter Meer states that he knows of no case of disagreement in these appointments, or where the Aufsichtsrat did not appoint the candidate proposed by the chairman of the Aufsichtsrat and the Vorstand. Now, there may be a certain amount of importance to the whole question of what the Verwaltungsrat did between the years 1933 and 1937 because the Verwaltungsrat ver-
tainly was the only part of the Aufsichtsrat which in any way engaged in the actual management of the I.G. Farben concern and we want to touch upon that and I think we need go no further than this affidavit.

On page 93 of the English, page 76 of the German, the defendant Ter Meer points out that the Verwaltungsrat from the beginning in 1925 consisted of 11 members of the Aufsichtsrat including the most important old heads or owners of the predecessor firms. And he notes that the Verwaltungsrat remained in existence until a rather substantial change in the entire organization of Farben and indeed all of German stock corporations in 1937 after a new law was passed.

Now the Aufsichtsrat designated particular members of the administrative council - that is the Verwaltungsrat - to sit in several of the committees of the Vorstand.

Several of the members of the administrative council continued to sit in meetings of the TEA and KE, for example -- sorry I used the German there--that is the technical committee and commercial committee, for example more or less regularly until 1937. Then may I quote the

next sentence: "Many of them were quite inactive in their later years and their participation was increasingly less."

Then there is a notation that some of them were Jewish and that that led to a statement by some representative of the nazis that I.G. Farben was a Jewish concern. On that point, if I may depart for a moment, I think most of the gentlemen in question were so-called Christian Jews, if that makes any difference here, in that some of them received certain concessions at a time even before Hitler when it would have been rather difficult for a person who was completely of Jewish faith, I think, to have obtained these concessions in Germany.

"In my opinion, the administrative council was formed principally to give a certain satisfaction and recognition to some of the more important leaders of the predecessor firms. But due to the age of these gentlemen, I don't think the institution of the Verwaltungsrat was really very important."

That is the position of the prosecution and I thought I had best bring to your attention rather emphatically. The Committee of the Vorstand which was actually did business with the Vorstand between 1925 and 1937, when the Aktiengesetz or joint stock corporation law was passed or revised, was the working committee of the Vorstand referred to in the German as the Arbeitsausschuss or the AA. You will often see AA. The working committee contained from the beginning about 26 persons. "This group" as the defendant Tor Hoer points out on page 94, "this group was actually delegated by the entire Vorstand to carry out the activities and to exercise the responsibilities of the Vorstand from 1925 until 1937, when the Aktiengesetz was passed."

This working committee included the more active and important members of the Vorstand of each of the predecessor corporations and, in effect, constituted the responsible management of I.G. Farben from 1925 to 1937."

Then there is a discussion which I think will have some importance here. Before 1937, or before the early part of 1938, went the law of 1937 took effect so far as Farben was concerned, before that time, there were both full members or ordinary members and deputy members of the Vorstand.

Now no such thing is provided in German law but it existed in Farben ,legally any Vorstand member had the same rights and responsibilities as any other Vorstand member, but I suppose that, just as senior members or persons with more dominant personalities, often have a greater influence regardless of the legal rights or responsibilities, certain people came to the fore and here, to begin with, some of the younger men only had the title of deputy Vorstand member.

Now the defendant Ter Meer points out that many of the deputy members were important technical or commercial leaders and further that in the last years before 1937 the deputy members were allowed to participate in the working ocommittee meetings.

THE PRESIDENT: Pardon, me, Mr. Sprecher, the Tribunal will rise at this time for its noon recess and will reconvene at one-thirty.

(A recess was taken until 1330 hours.)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 10 September 1947)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: The prosecution may continue with the presentation of its evidence.

MR. SRECHER: May it please the Tribunal, this morning I had reached that portion of the affidavit of the defendant Ter Meer which speaks of the Central Committee of the Vorstand. That is at page 95 of the English and page 78 of the German document book.

Now on the chart you will notice the Central Committee branching off from the Vorstand, both before the organization of 1938 and afterwards. Since a number of these defendants were members of the Central Committee, I think it important that we mention the general functions.

3 The defendant Ter Meer notes that the working committee of the Vorstand with 26 members was too unwieldy to conduct the affairs of the Vorstand and, therefore, about the year 1931, a Central Committee of about 8 or 9 members was formed. The Central Committee, of course, was under the chairmanship of the Chairman of the Vorstand, at first Dr. Bosch and later the defendant Schmitz. After Bosch became chairman of the Aufsichtsrat he was the only member of the Aufsichtsrat who did attend the Central Committee meetings. The Central Committee, therefore, was purely an executive committee, to begin with, of the Vorstand to which one representative of the Aufsichtsrat came.

Now, in the middle of the page the defendant

Ter Meer indicates that the Central Committee at this time considered important business in technical questions as well as major personnel questions and he enumerates a number of these major points. Then he notes that when Bosch went to the Aufsichts-rat and the defendant Schmitz succeeded Bosch as head of the Vorstand thereafter the importance of the Central Committee declined very considerably and he states:

"Major business and technical questions were handled less and less by the Central Committee, and by the time of the Aktiengesetz in 1937 the activities of the Central Committee were largely restricted to considering personnel appointments from the rank of 'Prokuristen' and above and financial contributions."

The next pages contain some listings of the members of the Central Committee and members of the Vorstand Committee. I will pass from that very rapidly.

On the top of page 97 of the English and 79 of the German the statement is made: "Both before and after the Aktiengesetz of 1937 the Vorstand under German law was responsible for the direct management of the concern."

Now, if your Honors will look at the chart again, looking at the left and right we see the Technical Committee and the Commercial Committee. In the affidavit the defendant Ter Meer goes on to discuss some of the functions of the Technical Committee and the Commercial Committee and he notes that most of the Vorstand members were

advised of what was going to transpire in the Vorstand meeting by virtue of the fact that the respective members of the Technical on the one side and Commercial on the other had just previously met in the meeting of these two most important sub-committees of the Vorstand.

He indicates further that, with respect to the Technical Committee, the defendants Schmitz and von Knieriem participated very regularly and the defendant von Schnitzler quite often in the TEA meetings.

THE PRESIDENT: Pardon me, counsel. Since you have indicated that this exhibit is of some considerable importance in showing the organization of the Farben setup, I am sure the Tribunal will wish to read it quite carefully and, if you can conserve any time by just suggesting the parts of the document that you consider most important, perhaps we can move along a little more rapidly.

MR. SPRECHER: Yes, your Honor.

The next several sentences we consider particularly important because they indicate that decisions made at the level of the Technical Committee were in effect decisions which the Vorstand almost automatically approved.

THE PRESIDENT: You are now referring to grammatical paragraph 9.

MR. SPRECHER: Yes, sir.

THE PRESIDENT: Thank you.

MR. SPRECHER: And he also points out that there was never sufficient conflict between the Vorstand members so that they ever had to come to

the question of taking a vote. The matters were sufficiently adjusted and the decisions taken without such a formality.

Now, in the next paragraph, paragraph 10, there is a statement concerning the normal order of business at the Vorstand meetings and the prosecution feels it important to note that each of the chiefs of the major committees in succession made a report on the activities of those committees before the Vorstand. You will note the fact that personnel appointments and contributions which had been made or proposed by the Central Committee were carried to the Vorstand for approval.

The careful way in which the agenda was drawn up is mentioned on the next page at the end of paragraph 10, and we note in paragraph 11, if your Honor please, that the minutes of the last Vorstand meeting were always read in full and approved at the next Vorstand meeting. We believe that important again on the point of knowledge because if a particular Vorstand member missed a particular meeting we think that, quite apart from talks that he might have had, he got general advice concerning what went on in the next meeting.

Now, there is a discussion in paragraph 12 concerning the pursestrings of the corporation, if I may phrase it that way, in that the discussions go into the manner in which credits or in which new investments and extensions were made; and these matters, after having been consolidated in the office of the Technical Committee, had to pass

through the Commercial Committee in full session before being approved. We think this very important on the question of the knowledge of affairs transpiring in the corporation.

With respect to those things involving engineering the TEKO first passed upon the matter, and there again we think knowledge was brought to a large number of people in connection with these projects which had to do with rearmament.

Going over to page 103 of the English document book, page 84 and 85 of the German document book, there are some paragraphs concerning several of the giant figures in the history of I.G. Farben, Carl Duisburg and Dr. Carl Bosch. We think it important to note that, despite the force of the personality of Bosch which no one can doubt, the defendant Ter Meer indicates that after the Sparten was formed in 1929 -- your Honors, I have turned to page 104 in the middle of paragraph 16:

"After the Sparten were formed in 1929 Bosch consulted and advised often with the Sparten heads but he had no legal right to direct them and that was not his practice."

Now we come down to another very important figure and that's the defendant Schmitz and in the affidavit in paragraph 17 there is a discussion of his position. Now, under the law of 1937 the Chairman of the Vorstand could either be the Fuehrer, or the entire Vorstand could be considered the Fuehrer of the concern. Now, the Chairman of the Vorstand thus could either be "Primus inter pares," the first among equals, or he could be the

complete Fuehrer of the corporation and we will present extracts from the law concerning that point; but here we have the defendant Ter Meer's summary concerning that, and he notes that Farben chose the second alternative, so the defendant Schmitz was the first among equals.

It is noted further on that, since he was one of the - or perhaps the principal, financial expert of Farben, his determinations concerning that particular branch of activity were quite decisive.

The next page -- that Schmitz got around into the various committees is noted. He was ordinarily present in the Technical Committee during its meetings and when there was not a conflict at the time of meeting with the Commercial Committee he was often found there also.

Then, going on to the next paragraph, 18, the position of the defendant Karl Krauch in Farben is mentioned and we feel that is a very important paragraph. After the year 1938 it has, I think, by this time become apparent that it is sometimes difficult to tell when the defendant Krauch was acting as Goering's first deputy in the chemical field and when he was acting on behalf of Farben, but here Ter Meer takes up a number of points that arose because of Krauch's dual position, and at Ter Meer's suggestion the defendant Krauch was removed as the chief of Sparte I and the defendant Schneider came into his place as the Chief of Sparte I.

Toward the end of the paragraph the tremendous force of the Krauch office and the tremendous force of the figure of Krauch in the Four Year Plan is mentioned and later on, if you will turn over to page 110 of the English, page 90 of the German, you will note that the local Gauleiter of the Party in Frankfurt, or in the Frankfurt area, the headquarters of Farben, made an attempt to put some Nazi officials or some Nazi favorites in its three main Vorstand positions, namely, those held by defendants Schmitz, the defendant Ter Meer, and the defendant von Schnitzler; and Farben was able to reject this proposal completely and Ter Meer remarks that this was because of Krauch's high position in the government.

MR. SPRECHER: Going back to Page 108, the membership of the TEA during the Nazi Regime, that is membership of the important technical committee, is given with the periods when the various people held those positions. Paragraph 23 is important in that it shows that the Defendant von Frerking and von Schnitzler participated appropriately when required in the TEA meetings, largely in the description of the Defendant Ter Meer, when he thought it was important that they be there. In the next paragraph the emphasis of the defense upon decentralization becomes apparent and I feel it fair to bring out the defense position concerning that. Actual production planning was principally a matter for the local works manager. If the leader of a works combine thought production planning in one of the smaller plants was not in order he took steps on his own initiative to correct it. If the Sparte leader considered such steps did not have to be taken, that ordinarily the difficulties in the various plants were ironed out in various sub-committees of the technical committee. Now, the question of voting Farben shares comes up in Paragraph 29. We will pass that rather briefly. The important point, we believe, is that the banks owned most of the shares and the voting rights in the shares and voted them in block in the same direction and always in favor of the Vorstand proposals. That, in effect, means that the annual shareholders' meeting of Farben was a nominal meeting and, in effect, wielded no influence upon the affairs of the concern whatsoever. In Paragraph 30 the function of the Aufsichtsrat is a repository for honorary characters and for some of the persons whom Farben wanted to honor is indicated, but from the chairman and perhaps the Aufsichtsrat committee our view point is that the Aufsichtsrat was relatively unimportant. It's noted in that paragraph that, in effect, the chairman of the Aufsichtsrat.

and the chairman of the Vorstand agreed upon the candidates for Aufsichtsrat membership. Now I come to the next document, Ni-5186. With your permission that document may go in evidence as Prosecution Exhibit 333. Here is another affidavit of the Defendant Ter Meer concerning the technical organization of I.G. Farben. On Page 115 of the English, Page 96 of the German, the note is made in Paragraph 3 that the technical members of the Vorstand who constituted more than a majority of the defendant in the dock, had their seats in the works -- that is, in the plants themselves, - excepting the Defendant Ter Meer who as chairman of the technical committee ; had his office in Frankfurt. We point that out, Your Honor, because it shows again the knowledge which these individuals had of the Farben set-up and then these same individuals come together in the TEA, in the technical committee, and again the communications with such gentlemen as Struss, the Chief of the Office of the technical committee, in order to keep the affairs of Farben on a unified plane. The Defendant Ter Meer underlines the importance of the individual plants in Paragraph 3, and concludes by saying, "Of course they had to adjust themselves to the general policy of the concern," Now, Your Honors, referring to the chart before you, I would like to point down to the green on the left-hand bottom side. There we have the works combines on the left and the plants on the right. And the chain of command or the chain of policyforming is indicated by a line which runs directly in between the plants and the works combines. That was done advisedly because in many cases it is very difficult to ascertain, particularly over a period of year, just when a particular works combine was important in connection with certain of the decisions important in this case. And we have left that open so that decision can be made in the individual cases. But in Paragraph 4 of the Ter

Meer affidavit a discussion is made concerning coordination of the works--of the plants--and the first element discussed there is the works combine. The Defendant notes that these various plants in a uniform geographical district were brought into closer contact through regular meetings in which took part the respective members of the Vorstand and the titular directors, both of the main works and the smaller plants. The head of the works combine would regularly relate the major topics of the last meeting, of the technical committee and of the Vorstand. And then representatives of the sales combine, together over on the commercial side, would also report the details of their activity, to underline, Your Honors, the uniform nature of the concern and the extensive coordination, at least at the higher levels..

Now, in sub-paragraph "b" of Paragraph 4, the Defendant Ter Meer lists the various sub-committees of the technical committee and the TIMO. Altogether the technical committee itself had thirty-six subsidiary committees. These are not shown on the chart. I think that the listing by the Defendant Ter Meer is very accurate with respect to these thirty-six committees, and we have put both the German and the English there so that there can be no question about the transposition. The Engineering committee, in turn, had five sub-committees. Now, already we have had considerable discussion concerning the three Sparte. Ter Meer indicates the production fields of the three Sparte at Page 120 of the English and at Page 101 of the German. This seems to us generally quite accurate. Now, again, with respect to the coordination, you will note that the Sparte held meetings before the technical committee, and you will note that the minutes of the Sparte meetings were circulated appropriately so that again the office of the technical committee, the Defendant Schmitz's office, and the sales combines in the cases where the sales

representatives had been present and were involved, all had knowledge of what was going on at that level.

THE PRESIDENT: May we inquire, Counsel, if the purpose of this line of evidence that you're now offering is anything other than to establish knowledge of and responsibility for the Farben policies on the part of these defendants?

MR. SPEECHER: That is the larger purpose, I should say, Your Honor. Additionally we had thought that it would be helpful in showing the functions of the various defendants in their individual capacities.

THE PRESIDENT: Well, in turn, would relate to the same subject-matter?

MR. SPEECHER: Yes, sir.

THE PRESIDENT: Very well.

MR. SPEECHER: A summary of the Defendant of Page 124 I'm sure you will want to read, and with that I will pass to the next document, NI#5187. We will mark that in evidence as Prosecution Exhibit 334. The importance of this affidavit Ter Meer is partly because it includes a rather thorough study which he made in Krenzberg prison in the year 1936, with the assistance of a number of the defendants now in the dock. And therein he includes several statements.

DR. SILCHER: Dr. Silcher for the Defendant von Knieriem. Mr. President, before this is submitted may I clarify the following point. In this affidavit of Mr. Ter Meer a number of statements of other persons are quoted, and I only wanted to clarify that these quoted statements cannot be introduced as pieces of evidence themselves. May I ask you if that is correct or not?

MR. SPEECHER: Well, Your Honor, our position is that the affidavit of Ter Meer which includes the statements is evidence

to the fact that the statements by the other persons were made and that he was given copies of them. And it seems to us that there is statement herein, except where the Defendant Ter Meer himself takes issue with these particular statements and indicates that he personally subscribes or does not subscribe to those particular statements. It is a question whether or not the various persons who subscribe to those statements are telling the truth or not. I think those are questions which relate to weight rather than admissibility of these individual statements contained in this affidavit.

DR. SILVER: I believe that I didn't express myself clearly enough. I wanted to ask whether it was not the intention of the Prosecution to introduce the statements of those other gentlemen which are quoted only as to their context and not literally, whether it was not the intention to introduce these quoted passages as exhibits themselves separately, or by including them in the affidavit.

MR. SPEICHER: Well, it was believed that we would conserve reproduction and get the matter quite fairly before the Tribunal by including the entire statements within the affidavit rather than excerpts thereof, and if the defense counsel has any question as to whether or not the full statement is included, that would run to an important point, and we would be glad to have him check the original statements.

THE PRESIDENT: Of course the Tribunal has not had an opportunity to read the exhibit, and, therefore, is not fully advised as to what those statements may be, but I think that counsel may well understand that if the purpose of the quoted statements in the affidavit is calculated to bind a defendant or to constitute substantive evidence against a defendant, we would take notice of the fact that such evidence would be hearsay. However,

we can't, at this time, pass upon the pertinency of these quotations, because we haven't had an opportunity to examine the document and unless counsel can point out a little more specifically the character of the quotations about which he complains, we shall not be in a position to intelligently pass on this objection at this time.

MR. SPEICHER: May I make the suggestion that the exhibit be considered marked only for identification until I have had an opportunity to go through it a little bit more, Your Honors, and then we can hear from Dr. Silcher again.

THE PRESIDENT: That will do no harm to anyone, and that may be done.

MR. SPRECHER: At the bottom of Page 126 of the English and at the bottom of Page 107 of the German, there is a notation. -I'm sorry, that is the next page--Page 127. ..that in the early part of 1946 an American investigator informed one of the defendants that they were free to talk over their defense in case there was any possible trial against the leaders of I.G. Farben, and further, that there-after many of these defendants availed themselves of that opportunity. And then reference is made to a statement which Dr. Schmitz had given to the American investigator on the 17th of September 1945. And that in March, 1946 Schmitz produced what he described as an exact copy of the memorandum. And the memorandum which we had copied into this affidavit was the exact copy according to the defendant Ter Meer who gave the memorandum to me personally. And it was thereafter included in this affidavit. On that point if there is any contention by Dr. Girlichs, defense counsel does Dr. Schmitz, that that is not a true copy, we shall be very indebted to him if he would point that out. Now, the statements made in the...

THE PRESIDENT: Now, counsel, let us understand ourselves here. We thought that you had this marked only for identification, and it was subject to further consideration as to its admissibility. If that's true, it would be more or less a waste of time to go into the contents of the document at this time, would it now?

MR. SPRECHER: Well, it is my feeling that having told this much of the history of the document, Your Honors, that there could no longer be any question of its admissibility.

THE PRESIDENT: We may be laboring under a misapprehension, but I understand that counsel for the Prosecution and Defense were going to have some negotiations with reference to these quotations before the document was introduced. Now, if that is not true, we will be very happy to hear you, but we want to have a clear understanding about the matter. What is the position of counsel for the defense in respect to this matter?

DR. GIRLICH: Mr. President, I should welcome to have accepted your

suggestion that the admissibility is to be reserved and be suspended until an agreement has been reached between the prosecution and the defense, in order to clarify the questions mentioned just now. At the same time I should like to give you my view about the quoted statement of Geheimrat Schmitz, and I should like to say that I am in no position to make any statements about the fact, whether the document in the form in which it is here quoted is identical with the surrendered original statement which was made, for the original statement is not available to my client and it did not rest and remain with him. It is a fact that the document was, first drafted by one of the interrogators and that changes were made repeatedly before my client decided to sign it at last. The history of the document is partly contained in the second document in which Geheimrat Schmitz revokes his first statement. However, any discussion about such a question would lead us far astray at the moment, and it would be more expedient to discuss this question internally between the Prosecution and the defense, if the Prosecution is at all desirous of doing so. Therefore, I should like to agree with what was said by Dr. Tilder, whether the statements contained in the new affidavit of Ter Meer should be introduced as independent exhibits.

THE PRESIDENT: We think that the Tribunal is in a position to make a disposition of this matter for the time being. I may say that the Tribunal is deeply appreciative of the fact that by informal conference you gentlemen--and we speak of the Prosecution and the defense alike--have been able to solve some of the problems that otherwise would have consumed considerable time of the Tribunal. We are going to ask the Prosecution, since it has had the exhibit identified, to hold it for the time being until such time as you gentlemen have an opportunity to confer in the hope that it will expedite the termination of this controversy. If it does not, then will be time enough for the Tribunal to pass upon such. The record, therefore, will show the identification of the document, and its admission in evidence is held in abeyance until counsel

have had an opportunity to confer.

MR. SPRECHER: Your Honors, may I make one further suggestion, that if you find it convenient, could you read the document between now and tomorrow's session, or between the next time we take up similar matters?

THE PRESIDENT: I'll say to counsel that that was one of the unexpressed reasons for the ruling just made. We shall have read it before the next session.

MR. SPRECHER: Excuse me, sir. The next document NI-5178, may be marked in as Prosecution Exhibit 335. Your Honors, this is a copy of the by-laws of the Verwaltungsrat or the administrative board, here called administrative committee, the Verwaltungsrat of the Aufsichtsrat. That appears on the 1932-1937 chart if you recall, and I don't think, in view of the Ter Meer statement concerning the Aufsichtsrat, we need detain ourselves over that document at this time. We have put in, Your Honors, many of these basic documents so that you would have a full record, in case it was necessary to check some of these fundamental documents of authority, but I don't believe it's necessary to either read from them or that you should necessarily read all of them unless the matter becomes an issue of contention. Document NI-8933 will be marked as Prosecution Exhibit 336. These are the by-laws of the Aufsichtsrat of I. G. Farben in the year 1938. We point out the time particularly because this is the by-laws after the reorganization in Farben, pursuant to the Aktiengesetz of 1937. In Paragraph 5 the normal functions of the Aufsichtsrat are mentioned. In Paragraph 6 there is mention of the selection of the Aufsichtsrat committee and with this reference I think we can pass from any further explanation of that part of the chart which has to do with the Aufsichtsrat committee. Its competency, was particularly in the field of remuneration of the Vorstand members and the approval of credits to Vorstand members and principal employees. More important is the next document, NI-8934 which may go in as Prosecution Exhibit 337. Here we have the by-laws of the Vorstand of I. G.

Farben, dated December, 1938. This is, in effect, the whole charter of the Vorstand and states the basic legal basis upon which it existed. In Paragraph 2 it is indicated that the Vorstand should be called together about once a month for a general session, and further, that it is the duty of every Vorstand member to call attention to matters, the knowledge of which is of important to other Vorstand members, especially as it may facilitate for the latter an over-all appraisal of the entire business. And then in the next paragraph, and we think this quite important, is indicated that, as a rule, the individual Vorstand member has to submit matters going beyond the framework of his ordinary business to the full Vorstand for decision. Going over the next page, Paragraph 3 we see an exception. There the individual Vorstand member is permitted to take independent action without the prior approval of Aufsichtsrat, where he is unable to give notice and where a serious disadvantage to concern might occur if he did not take such unannounced action. The paragraph concludes by indicating that it is the duty of the Vorstand member to report his independent action at the next meeting of the full Vorstand. Here now, if we may go into the topics which were considered very important and which were required to be discussed before the Vorstand, I think you will find that they are listed in Paragraph 2, just above, on Page 178 of the English and 158 of the German. Most of the basic matters which would be involved is most of the things upon which the Prosecution relies in establishing the basis for criminal responsibility in this case. In Paragraph 4 the fact that there was a central committee after the reorganization, as well as before, is brought out, and I think it's important to note, that there were certain matters desiring confidential treatment which might be brought up in the central committee initially and then might or might not be brought to the attention of the full Vorstand. And it's noted at the end of Paragraph 4 that the central committee owed the duty to the full Vorstand of making a report on actions it had taken between the Vorstand meetings, "unless very exceptional reasons make this appear inadvisable."

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May we pass then to the next document, NI-6120, that will be marked in as prosecution exhibit 338. This is an affidavit of the defendant Krauch, which starts off with a description of the complicated situation prevailing at the Oppau plants. Then in paragraph 3, Krauch discussed the functions of the Technical Committee and the Commercial Committee as he sees them and he notes toward the end of paragraph 3, which we think is particularly important:

"In the Technical Committee and the Commercial Committee all matters relating to I.G. business affairs on the technical, production and commercial sides were thoroughly discussed, so that the Vorstand members sitting on these committees were fully informed about projects requiring Vorstand approval when they were submitted to the Vorstand sitting as a body. The Technical Committee and the Commercial Committee had no authority to make decisions, only to deliberate and to recommend."

And at the beginning of paragraph 4 the defendant Krauch says that the entire Vorstand was fully informed of the credit needs and production requirements of the individual plants.

And at the beginning of paragraph 5,

"The Vorstand leaders of the plant directorate were directly responsible to the Vorstand." Sometimes they reported through the channels indicated above, the Sparten, and sometimes they reported directly to the Vorstand, which in turn regarded the Vorstand members of the plant directorate as responsible."

Mention is made that this is true through Farben and that this is not only the legal responsibility, but that the Vorstand is regarded as having direct knowledge of plant operations, acquired directly through the plant directorate or through the joint direction of the Sparten, the Technical Committee or the Commercial Committee.

In paragraph 9, a reference is made to the numerous sub-committees which performed certainly tremendous functions in Farben and the way

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in which their activities were coordinated by proposals to the Sparten, to Tea and to the Vorstand, as the case might be.

Now in paragraph 12 I think Krauch supports the view that Ter Meer head of the functions of the Working committee notices that that committee in effect the Vorstand worked with the full authority of the entire Vorstand.

He notices at the top of page 183 about the middle of paragraph 12, "In effect the Vorstand after 1937 was the same as the Working Committee before 1937."

Now by checking the list of Vorstand members after 1937 with the list of members of the Working committee before 1937, Your Honors, I think you will see that that statement is well based and it is indeed the view of the Prosecution.

I don't think we need have to be detained with the reaffirmation in paragraph 13 of the functions of the Aufsichtsrat and Verwaltungsrat.

The next paragraph again goes into the work of the Central committee and there we might note again that in the early years the Central committee was the top management unit of the Vorstand. After 1937 its authority was decreased and Vorstand was given authority to prepare the program for the meetings, based on financial contributions and personnel appointments.

In the last paragraph - paragraph 19 - I think it is fair to point out that the defendant Krauch outlined the general theory of the Recentralization, which is underlined by most of the defendants in this case.

With your permission, I will pass to the next document, NI-6649, which is an affidavit of the defendant Ilgner, which may go in as prosecution exhibit 339.

DR. BACHHELM: (Counsel for defendant Ilgner.) May it please the Tribunal, I should like to suggest that this document be supplemented

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and completed. In the German translation there are a few omissions which have been put in handwriting by Dr. Ilgner and which apparently the lady who copied this document could not read. I assume that the English document also has a few omissions, and I should be grateful also if they are corrected.

MR. SPRECHER: Your Honors, I propose that that be considered marked only for identification until the required corrections in the copy in the German book can be checked with the translation, so that we are certain the books we are working from correspond to the affidavit in evidence.

THE PRESIDENT: Very well, that will be satisfactory to the Tribunal.

MR. SPRECHER: Your Honors, I only want to point out then that we will not have to come back to the document, assuming that it is checked properly. The one thing I have in mind here, I was not intending to use the document at this time in connection with what is on page 1 of the original, I merely wish it to indicate the consideration beginning with page 2 of the original which I have personally checked with the German insofar as this sentence is concerned, "There was no difference between the legal responsibility of the deputy and the regular members of the Vorstand." Then the statement: "The Central Committee could be considered the nucleus of the Vorstand and had a special responsibility." The defendant Ilgner, who was not a member of the Central committee, notes that sometimes decisions made by the Central committee were only later referred to the Vorstand for approval. With that explanation, I will not have to come back to the document, assuming that we find the copy is correct.

THE PRESIDENT: The Tribunal doubts if that is a very good practice for this reason: Technically at least the document is not before the Tribunal until it has been introduced in evidence and if you

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don't come back to it our record will never show that it was introduced in evidence. I believe it will be more orderly hereafter, - we will not disturb what you have said, - I believe under these circumstances it should be marked for identification, held in abeyance until it is checked, marked for identification and then be before us for all purposes.

MR. SPRECHER: The next document is NI-8935 and that may be marked in evidence as prosecution exhibit 340. These are the articles of incorporation of I.G. Farben beginning with the year of 1938 and then annotated alterations in the articles thereafter are made by Mr. Buhl, a deceased Vorstand member, are contained in the notes at the end. At the end there is a certificate which explains the document.

Your Honors, it has just been pointed out to me that the German document book contains English copies instead of German copies and therefore I propose without further ado we consider this marked as prosecution exhibit 340 for identification. Until we can deliver German copies to the defense, no further reference will be made to this document.

THE PRESIDENT: Very well.

MR. SPRECHER: The next document is NI-7366, which may go in as prosecution exhibit 341. This is an affidavit of Herman Baessler, concerning the history and organization of the Central committee. The affiant Baessler was the chief of the office of the Central committee and in this affidavit he describes the members of the Central committee from the time of its formation in 1930 on down to the end and he shows the changes that were made. I think it is important in passing to point out that the defendants Schmitz and Schnitzler were members of the Central committee from the very beginning, that is 1930 and that on the 1st of January 1933, the defendants Gajowski, Moerloin, Krauch and Ter Meer were made members of the Central committee. You will note that

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was adding the three then Sparte heads to the Central Committee. The defendants Knieriem and Schneider did not become members of the Central Committee until the end of 1938 and, of course, the defendant Krauch when he became chairman of the Aufsichtsrat could no longer be a formal member of the Vorstand committee. At the end there are certain compilations which Baessler makes concerning payments which have bearing in connection with paragraph 1-A of the indictment.

DR. GIRLICH: May I point out to the Tribunal that according to the affidavit itself the witness Baessler was not the head of the G.A. but that he was the director of the offices, a man who was concerned only with the technical workings in the office itself, whereas the actual head of the office was another superior person. I consider it important to point this out since the man who is in charge of an office is only concerned with the organizational questions, whereas he is not so well informed about connections.

THE PRESIDENT: That is a matter that will may be taken into consideration in attaching what weight the affidavit is entitled to receive from the hands of the Tribunal.

MR. SPEECHER: The next document is document HI-7603, which we will mark in evidence as prosecution exhibit 342. This document gives the by-laws of the Technical committee and of course it refers to the original by-laws of 1926. We do not have in our possession, nor have we run across any amendments to these by-laws which were formally made at any later time. If there be any, we would certainly agree they would be relevant for Your Honor's consideration. We just want to point out that the functions of the Technical committee and the field of its competence is indicated in these original by-laws, which are very important and very far reaching.

On page 219 of the English, 201 of the German, you will note that the managers of the TMI were originally chosen according to the principle works combine. The regulations for the handling of credit requests, a point to which we will come back again and again in this proceedings, are given at the end, beginning at page 221 of the English and page 203 of the German.

Passing to the next document, HI-10043, may we mark that in evidence as prosecution exhibit 343. This is an affidavit by Dr. Eichwede, concerning persons who were members and guests of the Technical committee. I think it is in general agreement with the statement previously in evidence where Dr. Ter Meer mentions the members. It is a little bit more full -- a little bit fuller with respect to the guests or visitors. I don't think that is a determining point, Your Honors, because it has generally been agreed a member may be relatively inactive and a visitor may be relatively active. In any event periods are shown.

We can then pass to the next document book.

THE PRESIDENT: Just before you do that, let the Tribunal remind the Prosecution and the Counsel for the defendants, who are interested in the matter, that Exhibits 334, 339 and 340 have been marked for identification only and are not in evidence. We will appreciate any cooperation that counsel can give us in the way of informal conferences that will iron

out the difficulties with respect to those documents.

MR. SPRECHER: Your Honors, may I make one observation in connection with what you have just said? There are a number of matters which a number of defense counsel have been taking up with me concerning some of them. I can make a preliminary statement at this time, but most of them will require a little more time. With the permission of defense counsel, I would like to suggest next Tuesday at the latest we should be able to go back and not only check a lot of these matters, but that would give me time to consider some rather strenuous objections which some of the defendants have to a number of points which they know to be the Prosecution's task concerning the proof. It has occurred in a number of cases, we have been enlightened and with the assistance of expert witnesses, we have been able to avoid bringing contentious issues to you. If that is not too far off, I would like that much time, Your Honors.

THE PRESIDENT: Counsel may use its own judgment as to when the matter may be called to the Tribunal's attention and again may we say that we are grateful for the success that has been attained by these informal conferences and we would like to suggest that if counsel for the defendants can anticipate that some document is about to be introduced or will be introduced, with respect to which there may be some question with reference to translation or omission, or whatever type of character, if you can call it to the attention of the prosecution staff in advance, it will certainly conserve your time, as well as ours in the trial of the case.

MR. SPRECHER: Passing then to document book 13 and to the documents contained therein. The first document is MI-6505 which we would like to mark in evidence as prosecution exhibit 344. This is a letter of the defendant Ter Meer to a number of persons, including the defendants Ambros, Wurster, Autenschlaeger, Kuehne, and Buerger. The year is 17 November 1939. Our principle purpose is to show that the defendant Ter Meer in his capacity as chairman of the Technical committee did take action to see that on such a matter as maintaining a common attitude, a uniform attitude, in

dealing with certain foreign delegations wrote a letter and attached to it another letter from the defendant Ter Meer and the defendant Ambros, which had been written to the defendant Krauch, already at the time Goering's deputy.

I might point out in the attached letter from the defendants Ter Meer and Krauch, page 3 in the English and page 5 and 6 of the German, there is the following statement in paragraph 5:

"We should be very pleased if other German firms of the chemical industry were also called upon to make processes available to the U.S.S.R. We are inclined to think that other firms are, at present, considerably less busy than we with the installation of new plants."

The next document is NI-4859 and may we mark that, with Your Honor's permission, as prosecution exhibit 345. These are extracts from the minutes of the Technical committee from 19 March 1941. In the first paragraph there you note that one of the speakers gave a survey of the developments of the two works, Ludwigshafen and Oppau, in the beginning up until the time of this meeting and had charts present to explain it. Our purpose is with respect to knowledge.

Passing to the next point, Activities of I.G. Farben in the new eastern territories, will your Honors note the entry, "Details are briefly given regarding the project of this new large scale plant which is also scheduled to carry out part of the production of the new varnish schedule.

Then turning the page, entry two concerning the -- before I get there that report on Auschwitz is made by the defendant Ambros, and concerning paragraph 2, the report was made by Buetefisch concerning the Everstengrube, which was a mine located near to Auschwitz, which will come up again later on in our discussion and presentation of Count III.

Our main purpose here is the larger sentence below, -- the second sentence below which indicates the Auschwitz work is to be combined with a larger plant planning to come to the area of control of main Group I, Main Group I, being Sparte 1, the Sparte which at this time was under the direction of the defendant Schneider.

Note that the defendant Buetefisch is making the report, and that the prior report concerning Auschwitz is made by the defendant, Ambros.

Without anticipating the materials we shall present under Count II Your Honor, I think it advisable to point out a number of matters here which go to the point of view of knowledge, and the organization of Farben in connection with some of the matters that will come out in Count II.

In the next paragraph you will note that Ter Meer makes reports concerning negotiations and dealings with the French dye stuffs group and in the next paragraph with the Praga Verein which was a Czech chemical concern. It must be recalled that over one-half of the defendants in the dock were members of the technical committee to which these reports

were being made, and note specifically that the minutes of this particular meeting show the following defendants as being present; Schneider, Buetefisch, Ambros, Ter Meer, Murster, Lautenschlaeger, Jaehne, Hoerlein, Kuehne, Buergin Gajenski and von Knieriem.

Your Honors, the next document is NI 1029, already in evidence as Prosecution Exhibit 47.

Now yesterday, evening after the session a number of defense counsel and I had a discussion concerning this chart, and I promised them at that time I would lay this point before your Honors, namely, that there is some possible confusion concerning the direction of the plants on the left hand side, under Sparte 1; in any event, the defense so claims, and the prosecution wants to admit the possibility that the relationship of the defendant Schneider and Buetefisch, to each of the plants shown there, can possibly be clarified by additional proof, and the defense wanted that to be made plain now, and I have agreed to make that plain to you so that you won't have that chart before you for too long a time without knowledge that there is going to be some reservations made. We can possibly agree.

Now your Honors, there is one further point which I meant to come to at the noon recess, and it escaped my attention.

This morning I made a remark in connection with the Ter Meer affidavit in which I stated that certain of the alleged Jews in the Aufsichtsrat and I.G. Farben could not have obtained some of the rights and privileges they had if they had not been Christianized.

I want to make myself very clear and certainly to withdraw some of the inferences which defense counsel took

from that statement. I meant merely to indicate that some of these gentlemen were entitled, as you would notice from the "von" in front of their names, that those titles were derived under the time of the Emperor and not under the second Republic, and if there was any contrary indication, or any further indication beyond that, I shall withdraw it.

PRESIDENT: The Tribunal will take advantage of this opportunity to observe that incidents of this character, -- and certainly we do not say it critically, -- but incidents of this character can, to a large measure, be avoided if counsel offering documents will simply state what they contain and refrain from arguing the significance or the weight of the document, and remembering that this Tribunal intends to be liberal in the allowance of time for argument when we reach the stage of argument in the trial of the case.

MR. SPRECHER: Dr. Wagner, defense counsel for Wurster, also points out that with respect to Wurster, some further affidavits have been obtained from Struss which will clarify his position there. I do not have them before me now, due to reproduction problems, but we shall certainly present them.

The next document is NI 7895, and may be marked in as Prosecution's Exhibit 346. This document is a copy of the by-laws and the functions of the works combine Mittelrhein, date May 1929. It is pointed out that the works combine is to hold regular conferences, and that it is to accomplish certain missions, which we believe are self-explanatory.

The next document, NI 6108, may be marked in as Prosecution's Exhibit 347. This is a certificate by a notary of the filing of a contract with the Notary, and the date of it is the year 1938. This is a contract between I.G. Farben, and another German concern, Hibernia, concerning

the formation of the Chemische Werke Huels; the I.G. Farben controls a majority of the shares of Brabag, and also is one of the important Buna concerns.

You will notice that here two concerns are the partners in another concern, and therefore, if you will go over to Page 20 of the English, on page 26 of the German, I believe you will find that powers of the Aufsichtsrat are more than usually strong, and that the Aufsichtsrat has powers so as to insure control over the managing, - actual local managing directors of the concern in a way that would not exist for the extension and arrangement.

Now, your Honors, I was a little troubled by your remarks before, because we want to present this evidence in the most understandable way possible, but sometimes I think that it would be utterly impossible for you at this stage to understand entirely what we have in mind unless we made some comments concerning the value we place upon the document.

I fully agree with you that at times we may have tended to be on the argumentative side, and we appreciate having that pointed out, but I trust that you take no exception to such a comment as the latter.

PRESIDENT: We are inclined to rely on the good judgement and discretion of counsel for the prosecution as to what ought to be observed, but we do reserve the right once in a while to remind you that you are departing a little bit from it, and we may say that in many of these documents that have been introduced, the significance of the document from the prosecution standpoint is very well epitomized in your description of it in the index, which we understand, of course, is not in the record. That is a matter for your

convenience and ours, and counsel for the defense, but all we ask, and what we would like for you to do is to refrain from argumentative comments as much as possible, and to make your statements with respect to the contents of the documents, and the purposes for which you are offering it as precise as possible, and we are not at this time, at least, undertaking to prescribe a rule or lay down an iron-clad formula as to how you shall do that.

MR. SPRECHER: Thank you.

The next document is NI 6142, and may be marked in as Prosecution's Exhibit 348. These are minutes of the first meeting of the Aufsichtsrat of Chemische Werke Huels, and the document notes the defendant ter Meer was elected chairman of the Aufsichtsrat and immediately ter Meer proceeds to talk about the state of negotiation with the Reich and indicates that the business of the concern has been going on very actively for some time, and I think the indication is that the Aufsichtsrat here is merely a control organization by Farben and Hibernia to see that the directors are properly supervised.

We would pass them to NI 6145, which may go in as Prosecution's Exhibit 349. This is the contractual note between Huels and the two controlling companies, IG and Hibernia, with the Deutsche Revisions Und Treuhandaktien Gesellschaft, which was reached in the German Reich. This is the contract which has to do with the financing by the Reich of Buna Blant II.

The contract was signed at various times in the early part of the year, - in the early part of March 1939.

PRESIDENT: If you will pardon the interruption, it is time for our afternoon recess. The Court will rise.

(In Recess until three-fifteen)

THE MARSHAL: The Tribunal is again in session.

MR. SPRECHER: The next document is NI-6788, which is an affidavit by the Defendant Ambros, which we would like to mark for identification as Prosecution Exhibit 350.

DR. DRISCHEL (Counsel for Ambros:) Mr. President, I should like to ask the Prosecution merely to offer this document for identification and not to offer it in evidence as yet. Through the kindness of Mr. Sprecher, I have had an opportunity to see the original and the English text. There are contradictions in the translation in the original, and the document is not complete. For example, on page three of the German text, No. 4, at the top, it says "Nitrogen-Lost was produced for the first time in our laboratory." The same sentence is crossed out in the English document. That is because Dr. Ambros pointed out to the interrogator that the production of Nitrogen-Lost was an American invention of the Hercules Powder Company, and that he did not want to claim the honor of inventing it. That is why this sentence was crossed out.

Other parts of the document are incomplete--whole sentences are missing, and another inaccuracy is claimed on page 9, where something is missing.

I should like an opportunity to discuss this and then offer the document when it is complete.

MR. SPRECHER: I will pass then from that document, it having been marked only for identification, until we can see that the transcriptions are proper in both the English and the German, as you appreciate the difficulty coming about because of interlineation in the handwriting of the defendant.

The next document, NI-5681, which may be marked in as Prosecution Exhibit 351, is a copy of a document which is a contract between I. G. and the firm Orgacid, O-r-g-a-c-i-d, and the contract was signed at different times in July of 1935. The Article 1 indicates that the Montan Industrie which was a set-up which held trusteeship over a large number of plants on behalf of the Reich; that the Montan Industrie had commis-

sioned the Orgacid to build a certain plant at Ammendorf for the production of ethyl-oxide from alcohol. This agreement indicates that Orgacid, in turn, commissioned the I. G. to build the factory and to give all the necessary chemical-technical advice during the time of the setting-up of the factory and putting it in production.

In Article 4, Your Honors, will note that the agreement was made that any know-how, any practical experience, any trade secrets that were passed on could be made use of by Orgacid only in this plant which was manufacturing on behalf of the Reich.

In Paragraph 5 it is again pointed out that any of the manufacturing secrets gained shall be kept secret.

In the next paragraph, employees of Orgacid were sworn to secrecy to the extent that they could not even accept employment with other competitors of I. G., except with special permission. That document will have more meaning when a prior document, which has only been marked for identification, has been cleared up.

The next document is NI-5682, and may be marked in as Prosecution Exhibit 352. This is one of a series of documents which we are about to introduce concerning the Montan plants. The full significance--and perhaps the most important significance of some of these contracts--will come out in presentation of our material at a later time. My object here in connection with the presentation of material on the corporate structure is merely to present before Your honors enough of these materials so that you have clearly before you the legal techniques and the corporate means and instrumentalities which were employed in connection with these matters of substance.

This document, NI-5682, is a letter from Dr. Buhl, a deceased Vorstand member, who is also a lawyer, in which he discusses, in the month of January 1939, certain of the problems which came out of these various Aufsichtsrats in these trustee firms where the Montan concern, the Reich concern, was involved. Our point in showing it is to show that

I. G. Farben was concerned about what Reich and other representatives might learn about its secret processes, and was questioning the activity of the various Aufsichtsrats which were set up allegedly to supervise these special concerns which were owned by the Reich--but operated in effect, and in fact, by I. G. Farben; and the conclusion is made that so far the Aufsichtsrats meetings of these various concerns have so far been of a purely formal nature, and no serious discussions or debates came up.

I think Your Honors will recognize that this has some connection with our theory that I. G. Farben and the top Nazis were not identical but that each, in his own way, had a reason for joining in a partnership, in connection with these events.

NI-5685 we would like to mark in as Prosecution Exhibit 353. This is a file memorandum of 31 January 1939 concerning a conference held at Troisdorf--that was the headquarters of DAG--between Dr. Buhl, a deceased Vorstand member of I. G. Farben, and a Dr. Schmidt, representing Farben's Ludwigshafen plant. And you will note that there is discussion again about the whole question of the Montan scheme as against the I. G. scheme.

Now, under the Montan scheme it was normal that the operating concern should pay a rent to the Montan concern, and thereby ultimately to the Reich, which had financed the plant, which was based on the gross profits derived from the plant. Now, that would mean, as is described herein, that the Reich would have to institute in some cases some investigations to see what these gross profits were, and thereby get into the management of those businesses, at least to an extent which some of the I. G. Farben people considered undesirable.

Now, in the I. G. scheme, which is talked about in paragraph 2, the rent or the payment to the Reich would not be based upon the profits in the factory but upon an amortization and interest basis, and thereby the necessity for prying into I. G.'s affairs with respect to these

financial matters, and with respect to trade secrets, and so on by the Reich representatives would be less necessary.

On page 54 you find the DAG representative indicating that DAG's experiences under the Montan scheme have been quite satisfactory, and that the Army Ordnance Office, representatives of the Aufsichtsrat of the intermediary concern which was holding the Montan plant, had been merely of a formal significance.

Now, if I may mention it, the inference we draw from that and which we believe is well-established by this and other documents, so long as I. G. Farben and DAG performed these military tasks, so that the end result was favorable to the military authorities there was no interference by the military authorities in the operation of the concern.

In the middle of the page you will note the statement, "We do not desire the actual cost and selling prices to be submitted to the possibility of Reich control. On these grounds, preference is to be given for our factories to the I. G. scheme and the Montan scheme, so far as possible, is to be rejected."

The next document, NI-5591, Prosecution Exhibit 354, is a file note which describes the general scheme of the Montan organization in relation to these military plants which were Reich-owned and operated by I. G. Farben.

Passing to NI-5988, which will become Prosecution Exhibit 355, we have a memo concerning the discussion on Luranil, L-u-r a-n-i-l. The defendant Ambros was present and opened the conference, and he indicates that: "It has to be avoided that so far as certain projects built by I. G. and financed by a third party, that I. G. should appear on the outside as a connected party."

Now, Luranil was a construction firm owned by I. G. Farben, and here is some discussion about the computation of costs, and so on. The proof of the fact that Luranil was a hundred-percent-owned by Farben is on the next page, just before 3.

Down on paragraph 4: "Icaranil will carry out its tasks chiefly with I.G. personnel."

And in paragraph 5 the advice to the OKH -- that is the High Command of the Army -- is mentioned in connection with the whole project.

The next document, NI-6127, may go in as Prosecution Exhibit 356. This is a secret copy of an audit which was made of the Anorgana Plant in March 1942, as of the end of March 1942. With respect to the Gendorf Works, you will note, over on page 63, underneath "the basis of the contract," that the Army High Command has nominated the Montan as the responsible party for the Gendorf Works, which were ear-marked for Wehrmacht projects.

The Gendorf Works is one of the works which produced poison gas.

The next document, 6131, may go in as Prosecution Exhibit 357. This document is a similar audit of the Dyhernfurt Works of Anorgana, as of the end of March 1942. If you will turn to page 69 of the English and 109 of the German, the contractual basis is set forth:

"The Dyhernfurth Works, which is to be made available by the I.G. at the expense of the Army High Command shall serve Wehrmacht purposes. The OKH has appointed the Montan as manager of the undertaking. The Montan in turn has concluded a lease contract, such and such a date, with the Anorgana, whose shares are wholly owned by I.G. according to which the maintenance and operation of the plant are in the hands of the Anorgana."

The next document, NI-4956, may go in as Prosecution Exhibit 358. This document, we believe, may be helpful in showing you at one time or another when questions come up concerning the matter in which the Reich exercised the necessary influence over plants during the war. The paragraph 1 shows those plants of I. G. Farben. You will note Czechoslovakia plants and some plants in Austria are included, among others. The plants which were under the direct supervision of the General Plenipotentiary for Chemistry, and those which came under the Reich Ministry of Economics.

Now, the last paragraph on that page states that the control and planning of the plants is understood to cover the steering of production as well as the supplying of the demands for raw materials, including coal, power and the procurement of workers, etc.

This will be important in connection with the responsibility in connection with Count 3 on Slave Labor, among other things.

The next document is NI-7015, and may go in as Prosecution Exhibit 359. This is a discussion by Dr. Werner Mansfeld, who was an important official in the Reich Ministry of Labor, concerning the Betriebsfuehrer -- and there may I stop one moment? A number of the defendants were Betriebsfuehrer -- which may be translated as "plant leader." In the sense of the law of January 1934, by which it was required that each industrial establishment have a Fuehrer, or a leader, who was responsible for that concern in connection with labor matters, and under that law which we shall introduce in a later document book, it was the duty of this person -- the Betriebsfuehrer -- to be the leader in the sense of the Leadership Principle which was the most basic governing rule in the Nazi political, economic and social life. And Mansfeld, who had quite a bit to do with drafting this law, discusses it here, and I think it will assist you in attaching whatever significance is to be attached to the Betriebsfuehrer who are to be found in the dock, particularly in connection with Count 3.

On page 78 of the English -- and that will be on 138 of the German -- Mansfeld discusses the transformation from the more or less democratic basis in dealing with social welfare matters under the Weimar Republic and the transition to the Fuehrer Prinzip under the National-Socialist Program. He notes on the bottom of the next page that the "employer himself is primarily liable for the social welfare of the workers. But where the employer was represented by a manager he was responsible for the selection and retention of the manager, and thereby indirectly liable."

And then, for our purposes, since I. G. Farben was a stock corporation, the description at the middle of page 80 is significant: "If, however, the legal person is merely a cover for an individual, or individuals, who in fact determine the economic aims of the industry and operate its technical means, the person or persons in questions are employers."

Mansfeld notes that he wrote a book concerning the whole question of Betriebsfuhrer and the law for the regulation of national labor which had very broad circulation.

We go no further into that at this time but we did think it important that the term "Betriebsfuhrer" of some significance at this time, before we went on further.

The next document is HI-5169, and it may go in as Prosecution Exhibit 360. This is an affidavit of Dr. Frank Fehle, who was the Secretary or Protokollfuhrer of the Commercial Committee from the time of its re-establishment in 1937 until the German collapse, with the exception of certain periods when he was away on army service.

We now get over on to the commercial side of Farben's organization, and I would like to mention that at page 4, about Fehle's view as to why the Commercial Committee was re-established in August 1937:

Excuse me, that is at page 85 of the English and on pages 145 and 146 of the German. In the middle of page 4..." Perhaps among the commercial Vorstand members, who later on became members of the KA, the following reasons for the revival of the KA were more important. The discussion and clearance of questions of general and mutual interest of a smaller group than the Vorstand, or the old Commercial Committee would help to improve the then existing situation where more and more often the various commercial departments and the sales combines made different and sometimes even opposing decisions on business questions of general importance."

MR. SPRECHER: On the next page, page 86, the members of the Commercial Committee are given. Your Honors will note that the defendant Schnitzler was the Chairman until 1937 to the end and of the defendants who were members were Paul Haeffliger, Max Ilgner, Wilhelm Mann, Heinrich Oster and the defendant Kugler was a member from 1940 to 1945. You will also note Item 10 Paul Mueller who was an Aufsichtsrat of the Four Year Plan attended the meetings of the Commercial Committee even though the Commercial Committee was a Vorstand Committee and normally only Vorstand Committee members attended and this is not because Mueller was an Aufsichtsrat member of the Four Year Plan but because he was a Chairman of the DAF as we will directly hear from the first minutes of the Commercial Committee.

Over on page 88 and 89 of the English, 149 and 150 of the German some of the questions which came up for discussion before the Commercial Committee are noted.

On page 93, German page 155, there's a discussion of the manner in which the minutes of the meetings were made and the broad distribution which was given to the minutes of the Commercial Committee meetings.

Now, may I ask your Honors' permission to turn to page 97? That's paragraph 15 of the document and page 160 of the German Document Book. There's a reference made to a number of committees which we feel is important in connection with Count 3 on spoliation and we would like to have the basic

outline of the committees laid before your Honors in this connection because they had some relation to some of these important agencies in the organization of Farben. The minutes indicate that during the mixed committee both commercial and technical as either members or guests were asked to deal with greater Farben problems. Particularly for the maintenance for industrial participation in foreign countries. The first committee of this kind was the Far East Committee headed by Waibel. The next was the Southeast Committee headed by Dr. Kuehne, the defendant Kuehne. Dr. Ilgner was an active member of that committee and the third committee was the Africa Committee headed by Dr. Mann. It concerned itself with I.G. matters in Africa and the fourth was the Russia Committee, also the defendant Mann, formed after the invasion of Russia in 1941.

Now, Frank points out on the next page, that is, both committees dealt with both technical and commercial problems and consequently neither or none of them can be considered as subordinate to either the Commercial Committee or to the Technical Committee.

The report from these committees to the Vorstand or to the main Vorstand Committees took place in different ways which Frank mentions here.

Now, your Honors will find that at the bottom of page 98 a list of the members of the Southeast Europe Committee and that committee included the defendants Kuehne, Bustefisch, Cajewski, Hasfliger, Ilgner, Mann, Gattinsau and Kugler. The Far East

Committee includes the defendants Haeffliger, Ilgner, Mann and Oster. As guest the defendant Buergin.

I would like now to pass to Document NI-653 and will go in evidence as Prosecution Exhibit 361. This document is the letter of the defendant Schnitzler to Geheimrat Bosch who then was the Chairman of the Aufsichtsrat of I.G. Farben concerning the re-establishment of the Commercial Committee in August of 1937. You will note in the second paragraph of the letter that Schnitzler points out that there are a number of political, economic and financial questions referring to political, economical and financial policies which transcend the competence of the Sparte and are of concern to the whole I.G. and where decisions made by one group are likely to influence the decision or the interests of another group. Then he notes that in connection with the Four Year Plan there are certain problems to a certain degree over defense politics and Schnitzler indicates a need for more comprehensive surveys in a smaller group than the big I.G. meetings and Schnitzler notes that these commercial committee meetings can be best held in Berlin because of the public interest which are connected to Berlin. Your Honors will recall that one of the principal offices of I.G. Farben, Berlin NW 7, was in Berlin.

I would like to pass then to NI-5198. Pardon me.

DR. BACHEM: Excuse me, I believe the

translation was wrong just now. The German text says that the execution of the Four Year Plan, which to a certain extent had to precede the defense one. The translator just said it was co-ordinated with the defense plan. I would like for this to be corrected.

MR. SRECHER: Your Honor, that's another question of translation. I think we can perhaps clear it up by a discussion outside. Dr. Bachem, will you take the initiative in taking that up.

The next document NI-5198 is already in evidence as Prosecution Exhibit 251. For a minute I would like to read at this time only the short paragraph in paragraph two where the defendant von Schnitzler refers to the Commercial Committee: "The KA --" that's the commercial committee -- "was not entitled to make I.G.'s policy or to decide over problems which did arise in the different domains of I.G.'s activity, the decision and responsibility was alone with the Vorstand. The K.A.'s main task was to bring these different activities of I.G. as far as the commercial side is concerned on a common line. All problems of actuality were being discussed."

At the end of that statement, the defendant Schitzler notes that if he didn't report concerning a recommendation of the KA to the Vorstand, then it was left to individual Vorstand members to make the report. Now in--that was taken from the statement that Schnitzler made in August 1945 and in 1947 he made an addition which follows on page 2, and he indicates that underneath the defendant Schnitzler sometimes things didn't run in I.G. Farben as Schnitzler claims, according to the way in which some of the commercial men would have preferred.

I regret that I can't read at this time another affidavit which is in the next document book on that same point. That completes Document Book 13.

THE PRESIDENT: Are you going next to book 14?

MR. SIRSCHER: Yes, your Honor. Bear with us just a minute. I am short a book till I send to the office for it.

THE PRESIDENT: You may go ahead if you are ready. I will catch up with you in a moment.

MR. SIRSCHER: May it please the Tribunal, the question has just been raised by Dr. Bachem concerning which I think the prosecution should make its view clear. Dr. Bachem asked me if these materials were intended to go only in support of appendix B or if they had to do with understanding the over-all allegations of the indictment.

I should say that it certainly goes beyond appendix B. As I said quite some time back, and it goes to presenting evidence from which we think the individual parts of the indictment can be better understood, and I think I should say it also goes further towards some of the various points underneath the various counts of the indictment, as the subject matter very well indicates.

THE PRESIDENT: You are now speaking of Book 14?

MR. SPENCER: I am speaking of the matters I have been putting in, concerning the corporate organization and relating to them and to many other topics with which we are concerned and the charges in the indictment.

THE PRESIDENT: Very well.

MR. SPENCER: The next document is in Document Book XIV. It is NI 4927, it may go in as prosecution's exhibit 262; here, your honors you have the minutes of the first meeting of the reconstituted Commercial committee. We believe that it is a very important document.

The defendants present were von Schnitzler, Haefliger, Ilgner, and Mann; von Schnitzler refers to the fact that the commercial committee have been reconstituted with the defendant Schmitz, and conference that Schmitz had with Bosch with a view to bringing closer contact to the leading commercial people of I.G. Farben. The future membership is noted and your honors will note that before the first point DAG again comes into the picture.

This is August 1937 and this is before Germany has committed any acts of aggression. Austria has not yet been invaded. It is noted that Dr. Paul Mueller is to be invited to the meetings of the commercial committee as representative of the explosives group which in Germany is the Sprengstoffgruppe.

Then going down to par. 2. Dr. Ilgner makes a note, makes some comment concerning the R. 7-Organization, and indicates its utility in connection with Farben problems.

Then just to say the tone of these meetings, and after determining the tone I may be able to avoid making reference to many of these entries in subsequent minutes. You will notice the constant emphases in the commercial

committee meetings upon happenings in foreign countries.

In 1937 there is a report on Latin America, at the bottom of page 4 are questions of dealings with the plenipotentiary for iron and steel, which indicates cooperation between some of the commercial and technical manners-Vermittlungsstelle, , in dealing with the question of iron supply.

Then there is series of reports concerning the situation in South America, Spain, China and U.S. Treasury Agents and the attention to be given to the, etc.

The next document is document WI 49 59, which may go in as prosecution's exhibit 303. These are the minutes of the second meeting of the commercial committee held on the 10th of September 1937 in a meeting with the defendant von Schnitzler, Mann and Oster. Von Schnitzler, Kaefli, Ilner, Mann and Oster. You will note the references to foreign countries, and here you will note on page 12 the interests in Skoda-Works (Skoda-Werke). We think this is rather important because this is the time before the time when positive operations under International Law could take place, but yet we think the motives of Farben in certain dealings read is indicated here in such a way that it is important to bring it out.

And now I read on page 12 beginning with the second sentence of par. 8 Herr Weber-Audrae reports on measures to be taken in Austria which are at present under consideration and then, "Their main principle is to establish close relationship between the I.G. and the Skoda-Werke Wetzler A.G. as also between the Czech and Austrian branches of the Dynamit A.G. formerly Alfred Nobel & Co. and the Skoda-Werke Wetzler, in order to prevent General-director Pollak in this way from seeking closer connection with other

chemical industries, and in particular with Auzzi, or Montecatini, and to determine him from pushing on his plans, either alone or jointly with one of these groups, for the industrialization of the chemical industry in Austria".

Then turning to paragraph 9 on page 12, the defendant Mann suggests that the IG Verbindungsmaenner, the confidential agents abroad, invite various managers of the sales company selling IG products to attend informal discussions on general economic problems, which are of interest to IG.

The suggestion is generally approved and the Verbindungsmaenner are to be so informed.

You will note that here the commercial people determine to investigate certain Yugoslav deposits, that agreement is reached to recommend this proposal to the working committee, so I say where a major point comes up, for discussion in the commercial committee, the matter was passed on to the Vorstand where again it would be brought to the attention of a broader group of these defendants.

Now going down to paragraph 14, we think again we are able to establish the intimate knowledge by these commercial Vorstand members, and other commercial leaders in the dock, with some of the matters closely related to the 4-year plan, and the rearmament.

It is noted that "In view of the problems accumulating in connection with the 4-year plan export, and the foreign currency situation, etc., it appears absolutely essential for all agencies of the IG to maintain the closest contact with the Political Economy Department, with regard to conferences or negotiations with authorities, associations and political organizations, so as to assure a uniform attitude of the I.G. to all of these questions. Dr. von Sch-

nitzler will report on this matter to the Central Committee.
In this connection, the question of collaboration between
the Political Economic Department and the Vermittlungsstelle
W is also discussed."

At this time your Honor, the defendant Gattineay
was the head of the WFO, which was the head to get to-
gether with VB discuss these matters.

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Paragraph 18 is important in that the defendant Schnitz asks Dr. von Schnitzler to report periodically to the working committee of the Verstand concerning the basic questions which have been discussed in the commercial committee.

The next document—

JUDGE MORRIS: Mr. Prosecutor, I notice that you have a long list of minutes, and you have stated that you attach considerable importance to these first two exhibits, 362 and 363. The first was the minutes of the meeting of the Commercial Committee held in August, 1937, the next one in September, 1937, apparently dealing with the consideration of the expansion of the Farben activities into some other countries, but before there was any acts of aggression, while this organization, so far as the record shows here, was simply a big chemical commercial and business concern, the like of which there were probably many throughout the world, although perhaps few of them as large.

Frankly, I am at a complete loss to comprehend where documents of this kind are of the slightest materiality to the charges set forth in the indictment, other than possibly showing that Farben was a big business concern, and I, speaking for myself only and not for the other members of the Tribunal, express the view that there is much wholly irrelevant and unconnected testimony that has gone into this record so far, and that right before us we have examples of it here, and it is not any wonder that the translators are bogged down, and this trial is being slowed down by putting into the record a mass of contracts, minutes and letters, that seem to have such a slight bearing on any possible concept of proof in this case.

This is not a ruling, this is just a statement of an individual member of the Court, and I wish you members of the prosecution might consider it a little bit with the idea that if it has any merit perhaps you are going too far into details, and getting too far out into the woods with your proof. That is all I have to say. I might say, Mr. Prosecutor, you may continue. I did not mean to throw you completely

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off of your track, but I am really making these remarks towards the end of the day so that you might give them such consideration as you deem proper and they might be considered by my fellow members of the Tribunal.

MR. SPRECHER: It might be a convenient time to break off, unless you want to go on, your Honors.

PRESIDENT: Before we recess for the day, I should like to suggest to counsel for the defense that we are now on the starting of a new book, of a great many exhibits. Now, I have run over the table of contents far enough to observe that there are a number of affidavits listed here which will be offered, no doubt, by the prosecution, in due course.

If there are any errors of translation or any omissions or any inaccuracies that you find in your examination of these documents as revealed to you, I suggest to you the propriety of mentioning those matters to the prosecution before the next session so that the time of the Tribunal may not be unnecessarily consumed by attempting to reconcile those variations during the time the Tribunal is in session. That is just a suggestion in the interest of time, and orderly procedure.

The Tribunal will now rise until 9:30 tomorrow morning.

(In recess at four-twenty-five o'clock until 9:30 o'clock
September 11, 1947)

Official transcript of the American Military
Tribunal in the Matter of the United States
of America, against Carl Krauch et al, defendants,
sitting at Nurnberg, Germany, on 11 September
1947, 0930, Justice Shako, Presiding.

THE MARSHAL: Persons in the Courtroom will please take their
seats.

The Honorable, the Judges of Military Tribunal VI.

Military Tribunal VI is now in session. God save the United
States of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: Mr. Marshal, are the defendant in the dock?

THE MARSHAL: May it please your Honor, all of the defendants
are present save the defendant Wurster, who is absent due to
illness.

THE PRESIDENT: The prosecution may proceed.

MR. SPEICHER: May it please Your Honors, the prosecution,
with the concurrence of the defense would like to ask for a
brief discussion in chambers with Your Honors at the pause this
morning, or in case the witness to be called is finished, be-
fore the pause, we would like to have the privilege of discussing
with Your Honors some questions of the procedure.

THE PRESIDENT: We will see you at the eleven o'clock recess,
unless you finish with the witness at an earlier hour.

MR. ALCHAN: With Your Honors permission, we would like
to call a witness out of turn, General Morgan. We originally
intended to have him come and testify in connection with our
proof relating to production and the nature of the chemical
industries in Germany. The witness has some pressing engagements
in London and, with the Tribunal's permission we would like to
call the witness at this time.

THE PRESIDENT: Very well.

MR. ALCHAN: General Morgan, please

DR. DOLTMACHER: May it please the Tribunal, the witness, Brigadier General Mergan, is to be called according to information received by the Prosecution from the Secretary General of the 8th of September 1947 to be asked about the following subjects, namely the strategic situation of the I.G. Farben industry in World War I and its contribution to the development of explosives and gases during this period of time.

The defense takes the liberty to point out a misgiving that they have, from the fact that the prosecution has made as its subject the time, beginning with 1932, whereas this witness is to testify about events which took place from 1914 to 1918.

MR. ECKHART: If Your Honors please, the indictment charges that these defendants through the instrumentality of I.G. Farben prepared and planned for this aggressive war. We think it entirely relevant to show the nature of this instrumentality and the purpose of calling this witness is to show what the experiences of the allied Governments were after the first World war in attempting to control this instrumentality is a potential arsenal and certainly dangerous from the point of view of waging and preparing an aggressive war, that the evidence we propose to show as the instrumentality based on the experience of the Allied Governments after World War I is entirely relevant.

DR. DOLTMACHER: Mr. President, may I state expressly that I do not raise any objection here, but the defense merely points out its misgivings.

THE PRESIDENT: The matter of passing upon the materiality or relevance of testimony of a witness, must necessarily depend upon what the nature of the inquiry may be and the answer that may be anticipated to the question. The Tribunal is hardly in a position to pass upon such matters until the witness has been interrogated and we have some indication of the purpose of the inquiry. We accept this observation of counsel for the defense

as informal notice of the fact that there may be objections to the testimony of this witness, and we will meet those problems if and when they do arise in the course of the examination.

JOHN HOPMAN MORGAN, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q The witness will arise, hold up his right hand, state his name and say "I" and follow me in the administration of the oath. Mr. Witness will you hold up your right hand, state your name and say:

I, John Hopman Morgan, swear that the evidence I shall give shall be the truth, the whole truth, and nothing but the truth, so help me God.

(The witness repeated the oath.)

THE PRESIDENT: You may be seated.

DIRECT EXAMINATION

BY MR. AICHMAN:

Q General Morgan, where do you reside?

A In London.

Q And what is your present calling?

A I am a King's counsel and Barrister of Law.

Q General, how long have you been a member of the British Bar?

A Since 1914.

Q Were you a member of the British Armed Forces in World War I?

A Yes, during the whole of the war.

Q And in what capacity did you serve?

A I went out to France in 1914 and became staff officer on the Adjutant General's Staff.

Q Were you a member of the British Military delegation at the Peace Conference at Versailles?

A I was, as an Assistant Adjutant General.

Q Upon the conclusion of the Treaty of Versailles were you assigned any further duties?

A I was.

Q And what were they?

A I was promoted to the appointment of Deputy Adjutant General, with the rank of Brigadier General, to serve on the Control Commission in Germany.

Q Did you hold any other offices of a related nature?

A Yes, I was appointed by the British Government as Vice Chairman of the Government's Committee of Inquiry into War Crimes from 1918 to 1919.

Q General, is it a fair statement to say that the general function of the Allied Control Commission after World War I was to see that the disarmament clauses of the Versailles Treaty were carried out?

A Yes.

Q Now, General, could you tell us very briefly and in a general way the internal organization of the Control Commission and your position in that organization.

A The Control Commission consisted of an Inter-allied Council, which was the supreme governing body and general officers, of which was called Effectives was concerned to secure the demobilization of the ordinary conscript army and the establishment of the new peace treaty army, known as the Reichwehr. The other sub-commission which was called for short Armament sub-commission was concerned to dismantle and shut down all the armament factories and the munitions factories, including the chemical factories I.G. Farben.

Q General, which of these sub-commissions were you a member of?

A I was a general officer commanding the Effective sub-

commission, dealing with the Army.

Q And that was the sub-commission that was charged with the suppression of the armament and the munitions industries?

A No, the sub-commission of which I was general officer commanding was concerned solely with the demobilization of the ordinary Army, as I have just stated, and controlling the recruiting for the new peace treaty army. The other sub-commission-the Armaments-I was not a member of.

Q Did your official duties embrace the enforcements of the Versailles Treaty relating to the suppression of armament and the munitions plants?

A. Yes, because as the British military representative on the governing body of the commission, the counsel, as we called it, and, of course, all questions relating to both sub-commissions on other words relating to the dismantlement and suppression of the army and chemical factories came before the Council, whenever they came up.

Q. In connection with your official duties, did you become familiar with the progress made in the disarmament of the chemical industries in Germany?

A. Yes, very familiar.

Q. Will you please tell us what you found to be the position of the German chemical industries insofar as it relates to the disarmament clauses under the Versailles Treaty?

A. The situation we found was this: Before the war the German Chemical factories had made no explosives what so ever, and in the German government we found, and the same statements can be found in many German Military text books, like General Schwatek's book and General Wurzbacher's book, the German government gambled on the war being over in three to six months. It was not, and the result was they began running out of their stocks of high explosives in particular, and not by the chemical factories, which never made any at all, but by the private explosive factories. They thereupon called upon the chemical factory, I.G. Farben to turn over to the manufacturing of high explosives. And I may anticipate here perhaps, what may be put to me later on, the chemical factories immediately responded with enthusiasm - shall I say - to the appeal, and they were responsible for the production of 73% of the whole of the high explosives used by the Germans during the four years of the war.

Q. General, when you refer to I.G. Farben, I take it you mean the predecessor company of I.G. Farben, Badische, Anilin, Baer and Rieselheim; is that correct?

A. Yes, that is so.

Q. What you just told us, General, I take it is based on reports

submitted by the investigators of the Allied Control Commission and its experts; is that correct?

A. Yes.

Q. Who were the principle experts of the Control Commission?

A. There were two, Colonel Mirer, a French officer and Dr. Weeks, a British civilian expert.

Q. These two experts, as you say, submitted reports to the Control Council; could you please tell us what the Control Council found to be the situation in the chemical industries in Germany?

A. Well, in regard to war production, we found, as I just said, that the chemical factories that had been completely mobilized for war produced, 73% of the whole of the high explosives consumed, and all the poison gas.

Q. Did you find that in 1915 there was an undue acceleration in the production of nitrates?

A. Yes, there was an enormous development. Owing to the blockade, the import of Chile nitrate, upon which the chemical factories were dependant before the war for the nitration of their products, was completely cut off by the Blockade of British and French navies, and the supply of nitrates in consequence ran out almost altogether. And there upon great developments took place for the first time in the development of the Haber process by the Badische Anilin Company and also of another process, both of which were morclin in the experimental stages before the war, the zyanamide process for the production of synthetic ammonia, which was indispensable to nitrate-acid, which is the bottle neck or the key to both high explosives and propellant explosives to manufacture.

Q. Did your information disclose that in about 1915 the supplies of nitrates in Germany was very low?

A. It was so low that if the chemical factories did not come to the rescue Germany would have lost the war in 1915.

Q. General, you are not a chemist; are you?

A. No

Q. The information, which you received and analyzed, as I understand it, came to you from reports which you chemical experts on the commission submitted? Is that correct?

A. That is so, but I also made it a point to study every German military periodical I could get ahold of, including General Wurzbacher's book and General Schwarte's Book on the contribution made by the chemical industries to war production.

Q. General, did you find at that time that I.G. Farben itself produced explosives?

A. High explosives?

Q. High explosives?

A. At that time?

Q. That is right.

A. Oh, from that time forward, from about the spring of 1915, I.G. Farben was making nothing but explosives, except high explosives, poison gas and the intermediate products for nitro-cellulose and nitro-glycerine, products which were made in separate factories.

Q. Now, General, you state high explosives. Is there a difference in the kind of explosives in connection with this matter?

A. Oh, yes, high explosives of course are very explosive, you could not put them in a rifle, for instance, they are used for guns and propellant explosives, on the other hand, I mean what is ordinarily called gun powder, particularly nitro-cellulose and nitro-glycerine powder and they are used as propellants for rifles and for fuses.

Q. Well, General, did you find whether I.G. Farben was engaged in the production and manufacture of gun powder as distinguished from high explosives?

A. Not the final stages, but the gun powder factories, if I may call them that, such as the Kohlen Ruppau factories and others were dependant on I.G. Farben or the three proceed companies were dependant on them for the intermediate product without which you can't make gun powder

or nitro-acid.

Q. It is a fair statement to say based on your experience that the companies in Germany which were producing gun powder, were totally dependent upon I.G. Farben is nitrates and similar plants for their manufacture?

A. Yes, certainly.

THE PRESIDENT: The Tribunal finds it necessary to admonish both counsel and the witness, that because of limitations imposed by the sound system and the necessity of translation that you are unduly burdening our facilities. If counsel and the witness will pause appreciably between statements and sentences in order to allow the translation operatives an opportunity to catch up, it will facilitate the presentation of the evidence and the Tribunal feels we owe this to these very efficient and loyal servants of the court.

THE WITNESS: Yes, my Lord. If Your Honors so desire, I can repeat slowly all I have said originally if Mr. Amchan cares to repeat his questions; I mean if there is anything fallen out of the record, I can go back.

THE PRESIDENT: I think we are up current now but we just don't want to impose too heavy a burden in the future, and if Counsel and the witness will bear that in mind as much as possible, it will be very much appreciated by the Tribunal.

BY MR. AMCHAN:

Q General, may I call your attention to Article 168 of the Versailles Treaty which provides, and I quote:

"Within three months from the coming into force of the present Treaty, all establishments for the manufacture, preparation, storage or design of arms, munitions or any war material whatever shall be closed down."

General, did the Control Council take any steps or attempt to take any steps in connection with the closing down of the plants and facilities used by the chemical industry for the production of these explosives?

A We took such steps as we were allowed to take, but they were not satisfactory. By that I mean that if we had enforced that article which you have just read about the shutting down of all establishments devoted to the production of war material, etc., we should and we could have shut down every chemical factory in Germany, in fact destroyed them, and the German Government before we could proceed to do that appealed over our heads to a body in Paris who were known as the Conference of Ambassadors and who really succeeded the Peace Conference after the Peace Conference was wound up. They represented the Allied Governments, this Conference of Ambassadors, and their

duty was to supervise the execution of the Treaty of Versailles, not only in regard to disarmament but everything else, and the German Government, in order to prevent our shutting down all the chemical factories and the other factories appealed over our heads to the Conference of Ambassadors and said or pleaded that if we enforced this Article and shut down the whole chemical industry, Germany would be unable to pay reparations. I won't venture -- it would be rather relevant for me to say that we often came to the conclusion that that argument was utterly false, that Germany never had any intention of paying reparations, but Conference of Ambassadors presumably didn't realize that and so they sent us a directive or instruction that we were only to destroy in the chemical industry such special plant as had been used for production of high explosives and intermediate products for propellant explosives and poison gas.

Q General, as I understand it, the nature of the appeal that was made over the head of the Allied Commission to the Ambassadors at Paris was among other things that the destruction of these factories would cripple the commercial production of the country. Was that one of the things?

A Yes.

Did your Commission ever point out to the Ambassadors at Paris that these chemical factories which were now being represented as having a peacetime use were factories that were easily converted for war use?

A I don't remember that we made any formal representation to that effect because it was quite unnecessary. The Conference of Ambassadors as the successor of the Peace Conference were in possession of official confidential reports made to the Paris Peace Conference on this

very subject, two reports by a great authority on chemical warfare, Brigadier General Hartly, and the principal advisor to the Ministry of Munitions, a great authority on explosives, Lord Moutham, and those reports the Conference of Ambassadors, of course, had in their possession, and they knew without our telling them what a menace chemical industry was to the peace of Europe.

Q General, are you familiar with these reports of General Hartley?

A Yes; I have read every word of them.

Q Do you recall whether there was an analysis set out in that report indicating just how these plants which had a peacetime use were readily convertible for war-time production?

A Yes.

Q Could you please tell us something about it?

A Well, the processes used in the manufacture of dyes on the one hand and of high explosives on the other are almost identical in the matter of nitration. For the purpose of making dyes there are two stages of nitration. For the purposes of making high explosives like tri-nitrate toluol there are three processes, and the first two processes in the matter of nitration are absolutely identical, and the plant used for the nitration of products for the manufacture of dyes and for the nitration of high explosives is absolutely identical up to the last stage of work.

Q General, based on your experience on a Control Council, did you find whether any additional facilities were necessary to convert certain dyes to explosives?

A Well, I wouldn't quite put it that way, if I may say so. It was not a case of converting the dye into and

explosive. The point was that the intermediate products necessary to the manufacture of the dye went through, as I say, two stages of nitration. After that the resulting product of a high explosive went through two similar stages of nitration and then in the third stage when it was converted to a high explosive like TNT a special plant was necessary, special sheds, for instance.

Q You say "special sheds". Did it require any extensive facilities to make the additional nitration process in order to convert it for explosives?

A. Comparatively little.

Q General --

THE PRESIDENT: Pardon me. The Tribunal finds it necessary especially to remind Counsel to go a bit slower. This yellow light means just the same in this courtroom as it does on the highway, to drive slowly, and if you pause appreciably between your question and the answer of the witness and your next question, you will be very helpful to the translation staff.

THE WITNESS: Well, thank you, Your Honor. I didn't realize until then what the yellow light meant.

MR. AMCHAK: I am equally guilty, General.

BY MR. ANGLAN:

Q I understand, General, that you wrote a book about your experiences as a member the Allied Control Council during the World War, and the title of that book is "Assize of Arms", being the story of the disarmament of Germany and her re-armament from 1919 to 1939. Is this a true copy of your book?

A It is.

MR. ALCHEN: May I ask that it be marked for identification?

THE PRESIDENT: That may be done. Do you desire to assign it a number for our reference?

MR. AMCHAN: I think that would be helpful.

THE PRESIDENT: What number will it be given?

MR. AMCHAN: 364.

THE PRESIDENT: 364.

MR. AMCHAN: For identification.

THE PRESIDENT: Thank you.

BY MR. AMCHAN:

Q General, before coming to the witness stand did you refresh your recollection by rereading your book?

A I did.

Q In writing this book did you have before you at the time copies of the official reports and documents that came to you in your official capacity?

A I did.

MR. AMCHAN: With the Court's permission, I should like to read two or three short excerpts of a page or two from the book, and I do it solely in the interest of expediting the proceedings.

DR. VON METZLER: May it please the Tribunal, Counsel von Metzler for the defendant, Paul Haefliger.

As far as I am informed, the prosecution must submit documents to the Defense Counsel, and documents are also books, which they want to present to a witness during examination in chief before they do this, and I believe this is also the practice of Military Tribunals in this courthouse.

THE PRESIDENT: The Tribunal does not understand that Counsel for the Prosecution is undertaking to offer this book as evidence but rather understood that it

was for the purpose of directing the attention of the witness to certain subjects to refresh his recollection. Counsel for the Defense's observation would be entirely correct if there is any effort made to introduce this book in evidence, but for the purpose of refreshing the recollection of the witness or directing the course of Counsel's inquiry the objection is not well taken and will be overruled.

DR. von METZLER: May it please the tribunal, as far as I understand, this book is to receive an exhibit number. That means that it is to be introduced as evidence.

THE PRESIDENT: The assignment of an exhibit number to a document does not mean that it is to be introduced in evidence unless it is offered. It makes a reference to the document whereby it may be identified for the purposes of such inquiry as Counsel for the opposition may desire to make with reference to the future use of the document.

The ruling will stand.

BY MR. ANCHAM:

Q. In Volume I of your book at page 29 you quote Article 169 of the Versailles Treaty, which states:

"Within two months from the coming into force of the present Treaty German arms, munitions and war materiel, including anti-aircraft materiel existing in Germany in excess of the quantities allowed, must be surrendered to the Government of the principal Allied and Associated Powers to be destroyed or rendered useless."

With respect to that Article the book continues:

"The moment we began to examine the problem of war materiel, we realized that it was almost insoluble. The thing defies definition."

And at page 30 of the book we continue:

"How were we to regard the vast stocks of nitric acid and the plant which manufactured it in the German chemical factories? Were we to stigmatize them as war material and destroy them and all the plants which made them? If we had, we should have wiped out the German chemical industry. I now think it unfortunate for a stricken world that we did not. Germany would then have been disarmed effectively enough. Nitrogen compounds are at once the most lethal and the most vital of chemical agents, a source of life and an instrument of death. Nitrates are equally indispensable as fertilizers and as explosives. Or chlorine, the innocent and unsuspected agent of the dyeing and bleaching industries before the war, until it revealed in March, 1916, on the fields of Ypres the dark secret of its potency for the most insidious of all forms of warfare."

And on page 31:

"The German Government took full advantage of their credulity by pressing upon them (that is the Paris Commission) the argument that the wholesale destruction of so many things capable of

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commercial use would seriously prejudice Germany's capacity to pay. We were instructed accordingly. At this time more than one member of our Government was also exhorting the British public to help to get Germany on her feet. The result of our decision was that by far the greater part of Germany's war material remained in German hands and the Articles of Peace prescribing its total destruction was never enforced, but irrespective of such considerations as the effect of its enforcement on the payment of reparations, Article 169 of the Treaty was in fact largely unenforceable. Between war material and peace material it is as impossible to draw a hard and fast line as it is to delineate contraband and conditional contraband or to distinguish an armament factory and a shadow factory.

"Years later, after the Commission of Control had been withdrawn the Disarmament Conference of Geneva never so much as faced the problem. It ignored it. In ignoring it, it abdicated. In other words, disarmament is and must forever remain largely an illusion. It can never be more than relative. You may beat your swords into plowshares and your spears into pruning hooks, but there is nothing to prevent the plowshare being reforged into a sword and the pruning hook into a spear.

"Whenever a country has reached a high degree of engineering, mechanical and chemical development, however disarmed she may appear to be, the race will be to the industrially swift and the battle to the industrially strong."

General, do these quotations that I have just read fairly represent your experiences based on your activities with the Allied Control Commission?

A. Yes.

Q. General, I should like to call your attention to Article 172 of the Versailles Treaty, which states:

"Within a period of three months from the coming into force of the present Treaty, the German Government shall disclose to the Governments of the principal Allied and Associated Powers the nature and method of manufacture of all explosive toxic substances or other like chemical preparations used by them in the war or prepared by them for the purpose of being so used."

Could you please tell us, General, what the experience of the Allied Control Council was with respect to the enforcement of that clause?

A. It was very unsatisfactory. We took two steps to enforce it. We, first of all, addressed a long questionnaire, a series of questions to the German Government and they appointed a committee of chemical and other experts, presided over by Dr. Haber, to answer our questions. In fact, we really conducted a sort of written examination of these professors, and they all did their best to fail in the examination. Their replies were very elusive and very unsatisfactory and we had no means of compelling them to give us any information except by asking the German Government to put pressure upon them, which the German Government for obvious reasons - obvious to us - never did and never would.

Our second method was to interrogate. I mean for instance for Colonel Mirar and Dr. Watts to interrogate the heads of I.G. Farben on their inspection of the factories, Leverkusen and Ludwigshafen and so on, and whenever they did that, they came up against a stone wall. The ~~directors~~ always said, oh, they couldn't disclose these secret processes for toxic gases because they would involve the disclosure of commercial secrets and thereby would injure the export trade or the commercial activities of I.G. Farben, so we really never got further. And later on a certain commission, Hoeres-Friedens-Kommission, was set up in Berlin, which saw to it (as I will explain later) that questions like that, inconvenient questions, were not

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answered.

Q. General, may I call your attention to Article 171 of the Versailles Treaty, which states:

"The use of asphyxiating, poisonous or other gases and all analogous liquids, materials or devices being prohibited, their manufacture and importation are strictly forbidden in Germany. The same applies to materials especially intended for the manufacture, storage and use of the said products or devices."

Now could you tell us, General, what was the experience of the Allied Control Commission with respect to the enforcement of that Article?

THE WITNESS: Your Honors, my answer to that question will be rather a long and technical one, and, therefore, I have written out and with your permission I will read to the Court my answer. And if it wants to be put in afterwards, of course, copies can be taken of it. I have only gotten what I have written out here. May I--

THE PRESIDENT: Do you have more than one copy of that, Mr. Witness?

THE WITNESS: No, I have only got my own copy, which I brought from London.

THE PRESIDENT: The Tribunal has no objection to the witness reading an answer, but it does take the liberty of reminding him that sometimes we read more rapidly than we speak and will ask you please to read it rather slowly and deliberately and provide sufficient pauses for the translation staff to keep up with the reading.

THE WITNESS: Yes, Your Honor. Well, if I read too quickly, I shall see the yellow light.

Well, our attempt to execute this clause was not very successful. As regards the words of the Articles of the Treaty of Versailles

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just read by Counsel, forbidding the manufacture of liquids, materials and devices analogous to the manufacture of poisonous gases, this provision simply could not have been executed without exterminating the chemical industry. The whole of the poison gas -- as I have said, I think, in an answer to a previous question -- used in the war of 1914 to 1918 was produced in the I.G. Farben plants, and the earlier and simpler gases used in the war -- of which I had some experience when I was serving at the Front in April, 1915 -- the earlier and simpler gases used in the war, such as chlorine and phosgene, required no new installations whatsoever for their production in the chemical factories. They were already being produced for ordinary commercial purposes. That we did was very briefly this: Wherever was found that a special plant had been installed, an extra plant really, a special extra plant had been installed by the chemical factories during the war for the later stages of a toxic process, the manufacture of poison gas, we either scrapped that special plant or transformed it. For example, the mixing vessels, the reaction vessels and the stills used for the manufacture of the most deadly of the gasses or almost the most deadly, namely, mustard gas, we destroyed, but it was impossible to apply any universal rule.

We had to take into account the commercial history of each separate chemical firm that we dealt with. For example, when we found that a firm such as the Rieseheim Elektro Works at Bitterfeld had installed a plant, extra plant, during the war with the sole object of manufacturing phosgene for war purpose for use as poison gas, we scrapped the plant, regardless of the fact that phosgene is an important element in dye manufacture.

am I going too quickly, My Lord?

THE PRESIDENT: As long as you don't receive the yellow light you may proceed. I warn you, when you have that, you should slow down.

GENERAL MORGAN: When, on the other hand, the chemical factory or firm concerned, as at Leverkusen, had been making this gas, phosgene for its dyes before the war, entirely different considerations arose, and we could not scrap the whole of the plant without laying ourselves upon to the imputation that we were destroying the industry itself. In fact, the German nationalist press the whole time were violently attacking us, the Control Commission, on the ground that we were both saboteurs, sabotaging the German chemical industry, and commercial spies; and the government of the Weimar Republic took no steps, no proceedings against those newspapers for these attacks.

I recall that quite early on our arrival one newspaper of extreme nationalist views, the Deutsche Zeitung, had an inflammatory article headed with the words "Kill the Lot!", inciting the German public to murder all of us control officers. The German government took no proceedings against the paper, but we were not worried. We hadn't got the wind up.

Well, without having any regard to those newspaper attacks, which we took no notice of, what we did was to limit the capacity of this prewar dye plant for the manufacture of phosgene at Leverkusen, to reduce its capacity by one half. That didn't mean one half of its capacity for dyes before the war, but one half of its enormous expansion for the manufacture of poison gas during the war. That was at Leverkusen.

At Ludwigshafen, which was responsible for fifty percent of the total production of poison gas used during the war, we made a similar reduction of its plant capacity; namely, fifty percent. The di-phosgene plant, which represents a step further in the manufacture of poison gas, at Hoechst and Leverkusen we completely destroyed. And so with the plant for making thio-diglycol, the intermediate for the deadly mustard gas, at Leverkusen and Ludwigshafen; that plant, for obvious reasons, we also destroy-

ed.

Yet, even here, discrimination had to be made. The ethylene plant in those factories had been diverted to the production of synthetic alcohol for ordinary commercial purpose, and so we left it untouched. Only the chloro-hydrine plant was destroyed.

On the other hand, the plant at Leverkusen for producing the brominated and arsenic gasses which were made in the ordinary shops, we left alone because it could be used for peacetime products.

MR. AMCHAN: General, excuse the interruption. Could you try to omit some of the detail, and give us the general picture of your experience?

GENERAL MORGAN: Yes. I was going to proceed to deal with that we call the insoluble problem of chlorine, but I will omit that if the Court so wishes.

MR. AMCHAN: Well, would you please, in a general way, give us the benefit of your experience on chlorine?

GENERAL MORGAN: May I read than what I have on the subject?

THE PRESIDENT: The problem is one of counsel and his witness. The force of the inquiry is within the control of Counsel in the absence of objections.

MR. AMCHAN: Counsel will use discretion in controlling his witness.

BY MR. AMCHAN:

Q. Will you proceed, and give us in a general way the benefits of your experience on your attempt to control or de-control the chlorine plants, without going into detail?

A. Yes, I can do that in two or three sentences.

The greatest difficulty with which we were confronted was the treatment of plant and installations for the manufacture of liquefaction of chlorine, which chlorine is the bottleneck of poison gas production. But chlorine might, with, almost equal truth, be described as the bottleneck of many branches of commercial production, such as the production of hydrochloric acid, dyes, pharmaceuticals, textile bleaching, and many other industries. The chlorine plant in the German chemical factories had been

enormously increased during the war, simply for the purposes of poison gas, in fact, the earliest gas used was chloring but the chemical industry put in a strong claim for the retention of about five-sixths of it; and as regards the plant for the liquefaction of chlorine, although liquid chlorine is —, or rather was, until the development of respirators used by the troops for protection against gas — essential to cloud attack, the plant for liquefaction of chlorine was in growing demand for commerce. And in consequence we only reduced this plant at Ludwigshafen and Leverkusen very slightly.

I can sum all that up by saying that the net result of the Commission's operations in regard to chlorine was that Germany's productive capacity of chlorine was left by about twenty-five percent greater, when we had finished with the chemical factories, than it was in 1914.

Q: General, did the Control Commission succeed in disarming the German chemical industry?

A: No.

MR. AMCHAN: You may examine.

DR. BERNDT (Counsel for defendant Dr. Ter meer): Mr. President, may I ask you, first of all, to grant the defense a short recess because we would like to discuss a few questions before starting cross-examination?

THE PRESIDENT: The Tribunal deems that a proper request, and we will rise for a few minutes. About how long do you think would be necessary?

DR. BERNDT: About a quarter of an hour.

THE PRESIDENT: Very well, we will rise for that time.

THE MARSHAL: The Tribunal is in recess for fifteen minutes.

(A recess was taken).

THE M.F. SHALL: The tribunal is again in session.

THE PRESIDENT: The Tribunal wishes to announce that it has concluded that we shall adjourn tomorrow at the end of tomorrow's session. I am in error. I have my dates of the week in confusion. We shall adjourn when we have finished with the cross examination of this witness and the completion of Book 14 until Tuesday morning in order to afford Counsel an opportunity to compare their books and Counsel for the Defense to consult with their clients. We would wish to make it clear, however, that this is not to be construed as the establishment of any precedent that will in any sense be binding upon the Tribunal with respect to any subsequent requests for a longer week-end time out of the Court. We are doing that because of the peculiar circumstances with which Counsel and Tribunal are presently confronted. The defense may proceed with the cross examination of the witness on the stand.

DR. BEFNDT: Mr. President, this morning there were two interruptions, when you emphasized how difficult it is to conduct this trial due to the fact that we have to use two languages. We, the attorneys, find it very difficult, due to the same circumstances, to follow an examination of a witness, particularly when the examination covers a field which we legal men are not familiar with! today the witness has touched upon certain technical chemical subjects, and it is remarkable how he, as a non-chemist, acquired the knowledge concerned. We should like to suggest that, with regard to these questions which he has touched upon, we too should be permitted to put a few questions to him.

We ourselves, that is, the counsel, cannot, however, do so because we lack the expert knowledge, nor do we have the time to acquire the knowledge, because it was only this morning that we heard which technical and chemical questions this witness would be speaking about.

I, therefore, take the liberty of suggesting to the Tribunal that the questions be put by an expert, and I feel that the suitable expert would be one of the defendants who has at his command the technical knowledge necessary to put the questions to the witness.

For this purpose the defendant, Dr. ter Meer appears to be particularly qualified, since he was the chief of the Technical Office. I believe that if we were to adopt this procedure, we should simplify and accelerate the proceedings. May I also emphasize that in another trial that is, the medical trial, the doctors were permitted to put technical questions to witnesses; and may I finally mention that the Prosecution told me that they, for their part, have no objections to this suggestion of mine.

THE PRESIDENT: Does Counsel for the Prosecution desire to add anything to what has been said?

MR. AULMAN: Just a word that we appreciate the difficulties that Defense Counsel is laboring under, and on our part we have no objections; because of the technical nature that they say they want to interrogate on.

THE PRESIDENT: The Tribunal is disposed to grant this request and will do so, but we feel that it is entirely possible that since the defendant who is to interrogate on this question is permitted to do so, or requested by his counsel to do so, because of his familiarity with technical questions, he may in turn find himself in some difficulty with reference to legal procedure, and we would admonish Counsel as well as the Defendant, Dr. ter Meer, that this is not his time to testify, and that it will be necessary for us to confine him to the established procedure with reference to limiting his examination to the field of cross-examination, and that he will be afforded a timely opportunity to testify as a witness, and that this is not that occasion. If Counsel has admonished the Defendant in that regard, or will undertake to do so, and will cooperate with the court in confining this cross-examination to the proper field, Counsel's client may interrogate this witness on cross-examination.

DR. BERNDT: Thank you, Mr. President, and may I then ask that the Defendant ter Meer be allowed to proceed to the rostrum.

THE PRESIDENT: That may be done.

BY DR. TER MEER:

Q General, may I first of all ask when the Control Commission commenced its activities in Germany?

A We actually commenced our activities on the date on which the Treaty of Versailles came into force, that was on January 10, 1920, but at the special request of the German Government, addressed to the Peace Conference, a sort of advance guard of the commission, a small body, arrived in Berlin, and I was one of them, in September preceding -- September, 1919 -- in order to discuss with the Reichswehr-Ministerium the questions of billeting and procedure and so on.

Q General, up to what year did the Control Commission work in Germany?

A That question is not quite so simple as it sounds. The Commission was withdrawn altogether in January, 1927, in other words, after we had been there in 7 years; but when the French Army, French Military authorities occupied the Ruhr, the end of 1923, I think -- I have forgotten the exact date -- the German government intimated to us that owing to the excitement produced among the population of Germany by the French occupation of the Ruhr, the state of feeling was so disturbed that they, the German government, would not be responsible for our safety, the safety of the Control Commission, the control officers, in making our inspections of factories and of units in barracks, and in fact, there were a number of

violent assaults upon French control officers, although there were no assaults upon British officers. I need not comment on that curious distinction.

However, as the result of the representations of the German government to the Allied governments, and to the conference in Paris, it was totally suspended from that date, either at the end of 1923, the beginning of 1924, until it was resumed in the latter part of 1926, the German government expressly stipulating that the inspections resumed at the end of 1926 should be the last.

Q. General, I gather from your remarks that it was the task of this Commission not only to destroy existing plants which had been created during the war, but to carry out continuous supervision of newly constructed plants and thus prevented new war material production.

A. That is correct.

Q. At the time I myself at the factory at Uerdingen had visits from gentlemen belonging to the Control Commission, and I presume that the Control Commission to a very considerable extent and continually visited the plants of those firms which later were amalgamated into the I. G. Farben Industrie?

A. Yes.

Q. General, this morning you said that the firms which later formed the I. G. Farben Industrie had manufactured only explosives and poison gases during the war. According to my own impression, this remark of yours is somewhat exaggerated, since the works concerned also continued to manufacture dye stuffs, though to a more restricted products were also manufactured, and to a very considerable extent heavy chemicals of all kinds which were put to other uses than the production of explosives. Would you believe that this statement is correct?

A. Yes, I think my statement has been misunderstood this morning. I did not say, or I did not intend to say, that all the chemical factories were engaged during the war only in the manufacture of high explosives and poison gas. What I did say was that they were the only factories which made poison gas, they made the whole of it, and that they made 73 per cent of high explosives, but they certainly were continuing to make, as you say, dyes, drugs to a restricted extent, as you put it, but I think I had better add the German chemical factories erected special factories during the war, because the demand for high explosives so as to take the burden off the existing chemical factories to some extent. For instance, the Griesheim Electron firm erected a special factory at Döberitz, I think, and we blew it up.

Q. General, this morning you pointed out that the nitrogen industry had been completely destroyed, since the nitrogen industry in Germany considered it as its chief task to produce nitrogen fertilizer for the production of food?

A. Yes.

Q. Now, is it correct to say that the large extensions of the nitrogen industry carried out approximately between 1920 and 1925, both at the Leuna Works at Merseburg, and at Oppau, were not objected to you?

A. That is correct. There was another factory, if I recollect rightly, for the production of synthetic ammonia, apart from the Oppau-Leuna factories, and that was a state factory erected at Wittenberg, in Saxony, for which the Reich voted, I think, 15 million pounds for construction. However, that perhaps, is irrelevant.

It is quite true to say that we did not object, in fact, we felt that we could not object, to these vast plants for the production of synthetic ammonia, because they could be used, and no doubt were at the time being used, for the production of artificial manures; but their productive capacity was so enormous that we had some doubts as to whether their productive capacity was not in excess of the demand in Germany, and in countries importing fertilizers from Germany, was not considerably in excess of the need for fertilizers, but that was, I admit, only a surmise on our part.

Q General, you no doubt know that the German nitrogen industry exported nitrogen fertilizer to other countries on a large scale and that the expansion of the plants in Germany was due to a considerable extent to the export activities, since the chemical industry at the time was especially called upon to obtain foreign currency for Germany and in that manner to support the life of the German population. Would you say that this is a correct representation of the fact?

A Yes, except that as I say, I think the plant in our opinion was in excess of the actual demand, export demand for fertilizers, and obviously it could be utilized at any moment for war production, but still we didn't object, no.

Q The use of the large nitrogen plants for war production would, as is known, necessitate the conversion of ammonia into highly concentrated nitric acid. Did you, yourself, not say this morning that those plants had been destroyed at your instigation so that the amount of nitric acid which was still permitted to be manufactured in Germany was exclusively used for the production of dyestuffs, pharmaceutical products, nitrate fertilizer, nitro-cellulose for films and celluloid and similar peacetime articles, since the production of explosives for military purposes, as far as they didn't serve the needs of the small German army and fleet, had been prohibited?

A That's rather what we call in England an "omnibus question," but I will try to break it up and simplify the answer. I did not say this morning, if that is what is suggested, that we destroyed or attempted to destroy any of the Oppau, Leuna, Harburg factories for the production of synthetic ammonia. We never did that. But as regards your question about nitric acid, we-I think, if I may say so,--you are confusing what I said about poison gas installations and nitric acid installations.

We considerably cut down the poison gas installations, because in particular cases we found that factories had been erected during the war for the sole production of poison gas, and, although they could be used for commercial purposes, we said, "This is a war institution, we'll destroy it." As regards nitric acid, I don't remember saying this morning-but perhaps my memory can be refreshed with reference to the record-I don't remember saying that we destroyed any plant, for the production of nitric acid. I don't think I said that.

Q. Sometimes plants for the production of concentrated acid were actually destroyed as far as they went beyond the needs of peacetime production in Germany. My question, put briefly and precisely, means just this; you said earlier that in your opinion the nitrogen production in Germany during the 20's was considerably in excess of Germany's own needs, and I answered that not only Germany's requirements but considerable export requirements for nitrogen fertilizers had to be filled and that the danger that the large nitrogen industry in Germany might be used for war purposes or for forbidden rearmament was averted because the large plants for the production of concentrated nitric acid had in part been destroyed, therefore, the fact that nitrogen fertilizer and ammonia production were destroyed and the prohibited production of high explosives, munitions etc, in my opinion, must be kept separate

THE PRESIDENT: The Tribunal finds it necessary to remind the witness -- pardon me, the defendant now questioning the witness- that he is not presently to testify. Neither is he to engage in a colloquy with the witness on the stand. He is privileged, however, to cross examine the witness fully with respect to any subject matter concerning which the witness testified in chief.

THE WITNESS: Thank you, Your Honor, I was going to observe, when I was about to answer that question, that apparently what the defendant was expecting me to answer was not a question but a speech.

Q General, do you know that in 1923 I.G. commenced synthetic production of methanol and related alcohols in their plant at Larna?

A I seem to recall that, yes.

Q Did the Control Commission raise objections to this type of manufacture?

A Synthetic alcohol, no.

Q Did the Control Commission deal with the question of synthetic gasoline, by hydrogenation of coal?

A No, we didn't deal with that at all, because, according to our information, although there was already experiment going on in the production both of synthetic oil and synthetic rubber, they were in such a very elementary, experimental state and involved such an enormous expense that we didn't think it our business. We didn't anticipate their developments during the last war.

Q According to a report from the manager of the Bitterfeld plant, the Control Commission, also inspected the magnesium factory of the I.G. at Bitterfeld and came to the decision that magnesium could be produced as before. Do you recall whether this information is correct?

A Do you mean magnesium or manganese?

Q Magnesium.

A Not the medicine but the light metal?

Q The light metal, yes.

A No, I don't recall that. I mean, I have hundreds of documents at home in England which throw light on that subject

But, of course, I didn't bring them all over here.

Q Do you know, General, that Major Ball, was at the time a member of the Control Commission?

A I never heard of him. Was he French or British?

Q British?

A Ball?

Q Ball. B-a-l-l-.

A It's possible. He wasn't a very important member if he was I had under my command about 170 British officers. I can't recall his name, but I don't dispute it.

Q I simply wanted to ask whether you knew that Major Ball at that time gave permission in person that in the Verdigon Plant the production of powder stabilizers could be continued as far as needed for the requirements of the small fleet as well as other articles of peacetime production?

A Yes, that's quite possible. Under the Treaty of Versailles one of the Articles provided that while all factories engaged in war production should be closed down-the article quoted by Mr. Auchen this morning -- a certain number of factories must naturally be licensed by us or authorized for the needs of the Reichswehr, in other words, to make guns, to make rifles and to make munitions. In the particular instance you put to me, this particular factory with which Major Ball was concerned -- I don't really remember because I haven't in front of me a list of the authorized factories.

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Q.- General, this morning you pointed out, that in the chemical industry the conversion from the production of peacetime products to the production of war materiel is a comparatively simple matter, because for instance, the intermediate products for dye stuff production are also nitraogen products which, by greater nitration, can be converted to explosives.

Is it correct that similar conditions existed in the remaining industries; outside of the chemical industry that, for instance, the steel industry could be converted relatively easily from peacetime production to the manufacture of tanks, or the motor car industry from car production to truck production, or the civilian aviation industry to the production of military aircraft.

These examples could be multiplied, I believe, and I should like to ask you whether this idea of a conversion of a peace industry to a war industry could not be assumed to be a general state of affairs.

A.- Yes, I think that is true. For instance, in Krupp's, which I had a good deal to do with, in Shop 60, I think it was, that shop was devoted to making heavy guns. After the ingots had been forged they were, of course, rifled and polished and all the rest of it on big gun lathes; and we were going to destroy that shop altogether on the ground that it had made nothing but heavy guns during the war, and Krupp's put in an appeal to us to spare a certain number of the gun lathes because they could be used for commercial purposes, such as making Badische aniline cylinders, and also they could be used for making propeller shafts of ships, and that was true, and so we spared them a certain number of machines. But I wouldn't say that the steel industry generally could be converted to war production with anything like the ease and rapidity with which the chemical industry could be, because you had to put in, after all, special tools onto your gun lathes for rifling the interior of the guns; but the chemical industry turned over to producing chlorine, which was the first gas that was used. I had

some experience of it in France when a surprise attack of gas was made at Ypres -- the chemical industry produced that in 24 hours with the same installations they produced ordinary commercial chlorine; So my answer to your question, summing it all up, is that the chemical industry was much more immediately convertible to warlike use than that of any other industry.

DR. TER MEER: Thank you.

DR. BERNDT: Mr. President, there is no further question. May I present my thanks to the High Tribunal once again for giving permission to my client to put questions directly to the witness, and may I particularly thank you for not confining him or limiting him excessively?

THE PRESIDENT: Any redirect examination by Counsel for the Prosecution?

MR. ANCHAN: Some short questions on redirect.

THE PRESIDENT: Just a moment, please. I think Counsel for the Defendant has something to say.

DR. LUMBERT (Counsel for Defendant Kuehne): General, I have only a brief supplementary question. May I put this brief question to you, General, in cross examination?

General, this morning you said that the powder factories in their production were dependent upon the chemical industry. Now, my question is this: was this a characteristic of German powder factories, therefore, confined to the legal procedure attached to the later founded I.G. Farben Industrie, or did this dependence of powder factories on chemical factories exist in all countries of the world in the same way?

A.- Yes, I should say it did. Of course, I don't know all the countries of the world, but I should say probably so.

DR. LUMBERT: I am sorry, I am afraid the switch was wrong. May I have the translation repeated so I can hear it?

(The interpreter repeated the answer.)

Thank you so much. That's enough.

THE PRESIDENT: Counsel for the Prosecution may proceed with their redirect examination.

BY MR. AMCHAN:

Q.- General, at the time the Control Commission arrived in Germany to take over its duties and during the course of its work, did the German government set up a German Commission of industrialists to assist the Control Council to carry out and enforce the disarmament of the treaty?

A.- Yes, except that the object of that commission, the nature of which I will explain in a moment, we very soon found out was not to assist us, as the German government suggested, but to frustrate us.

Q.- One moment, please. Was that the Heeres-Friedens Kommission, or the Army Peace Commission?

A.- Yes.

Q.- Now, could you tell us very briefly just what this German commission was that was appointed to assist you to carry out the duties and your experience with that commission?

A.- Yes. That Heeres-Friedens Kommission consisted of two departments. There was the purely military department, which was concerned with assisting -- as I have said, in fact, frustrating, but nominally assisting, otherwise, we shouldn't have recognized it. We thought it was going to assist us, but we were rather simple in those days. Number 1 was the military section, which was concerned to assist us with liaison officers -- Those were German officers "zur Disposition", as they say in German, not retired, but sort of half-pay -- to assist us in demobilizing the whole army and inspecting the strength and the enlistments and all that sort of thing of the new peace army.

The other section was called the "Geschaeftsstelle, fuer Industrielle Abruestung." That is to say, it was a separate department, again nominally to assist us in industrial disarmament, in other words, in the dismantling of war factories and of the special plant, in the chemical

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factories; and all the big industries of Germany -- Krupp's and so on, and the heads of the chemical companies were represented on it.

Q.- As a matter of fact, did the German representatives always accompany the allied representatives on inspection tours?

A.- Yes. There was always a military liaison officer. In fact, the German government made a great point of it, that they couldn't agree to our conducting any inspections, either of units in barracks or factories, without the presence of a liaison officer, ostensibly for our protection; but whenever there was any trouble he mysteriously disappeared. At least that happened pretty often.

Q.- And with respect to your inspections regarding the chemical factories, was it likewise true that German officers or German representatives of industry accompanied your officers on those inspections?

A.- Yes, generally officers.

Q.- That is all. Thank you, General.

A.- May I add something to this?

Q.- Unless you think it really pertinent, General, I would prefer, in view of the hour, to close.

A.- I think it would be eliminate the matter, but I will leave that to the Court.

THE PRESIDENT: Does Counsel have any further questions?

MR. AMCHAN: No further questions.

THE PRESIDENT: Any further cross examination of this witness?

The witness is excused.

The Tribunal will now rise until one-thirty.

(A recess was taken until 1330 hours.)

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THE MARSHAL: Persons in the courtroom will please find their seats.

The Tribunal is again in session.

MR. SPRECHER: May it please the Tribunal: The connection of some of the documents on corporate structure to the allegations of the indictment is certainly difficult to establish at this time, particularly since some of these documents are being offered with a view in mind to assist in later connecting up other documents and other proof; and I feel somewhat remiss for not having underlined this in connection with some of the documents where I am very certain the connection was not apparent on its face, and for that omission on my part I would like to state my regret to the Tribunal.

The next document we come to is EI-4862 which may go in as Prosecution Exhibit 345. I think the connection of these particular minutes -- defense counsel will recall that this morning Mr. Amohan used one of the numbers -- these minutes we feel are much more readily connected than some of those we offered before.

You will note that Paul Mueller of the Dynamite A.G. makes his appearance in this meeting and you will further note, Your Honors, that there is a report concerning the mobilization projects.

Then over on the next page we feel that the close network of I.G. is again shown by the entry under the numeral "6" bearing again on the intimate working community which we think Farben was and on the point of knowledge in this case.

Passing on to the next document, EI-6418, that may be marked in evidence as 366, again Your Honors will note that these minutes of the Commercial Committee, dated the 5th of November, 1937, concerns mobilization questions and the collaboration of I.G. Farben with the Nazi organization abroad and that, if it may trouble you, by referring you to 9-E at the bottom of the page, reference is made to the sponsor-

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ship of the National Socialist editors abroad which we submit in connection with the charge that there was an alliance.

Again you will note that Paul Mueller was present in this meeting as well as in the next one I am about to refer to which is NI-6074 which may go in as 367. This, your Honors, is after Austria has been occupied and you will note that Paul Mueller is present and that reference is made to I.G. plans in D.A.G. Plants with respect to the economy of occupied Austria which bears on our Spoliation Count as well as Count I.

Turning the page there is indication that Dr. von Schnitzler and Dr. Ilgner report on discussions they have had with certain high Reich representatives including General Thomas, the Chief of the Military Economic Staff of the High Command, and that those discussions covered the mobilization questions; and, darting down, you will note again, in connection with the whole question of knowledge with all these defendants, that the procedure established was calculated to guarantee the uniform treatment of commercial interests in these matters and to have a uniform treatment we suggest, your Honors, that you had to have knowledge. Otherwise, in acting with the various agencies you could not pretend to behave in a way that would give a uniform pattern to I.G.'s policy in practice.

The next document is NI-6160 and, with your permission, may go in as Prosecution Exhibit 368. Here again are minutes of the Commercial Committee. We are now in the year August 1940 and you will note that the first entry concerns the state of negotiations concerning France. May I have the liberty of pointing out that the following defendants were present: Schnitzler, Haefliger, Heyde, Ilgner, von Knieriem, Krueger, Kugler, Mann, von Meer.

I should indicate that two of the gentlemen are only present

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temporarily.

Could you note in the first paragraph that the discussions with the French, France at this time having been overrun, were discussed before this large group of defendants and there is one point that is interesting -- and that is particularly interesting -- and that is to note that the negotiations in appropriate measures have already been carried out in the photographic section so far as France concerned.

Now, your Honors, we are dealing in connection with Count I, found indeed a difficult problem of proof. Sometimes the contacts of the Nazi leaders are important in connection with understanding the motive for certain actions which were taken and, if you will turn to the next page 24 of the English and page 37 or thereabouts of the German and under the entry, "Miscellaneous" entry "c" -- there is the following.

Dr. von Knieriem has drawn up some kind of a memorandum after there had been conferences of correspondence to the Reich Ministry of Economics and Dr. von Knieriem makes certain suggestions for the peace treaty in connection with industrial legal protection and the position of German patents -- and here is the cause -- "in a European economic sphere under German leadership."

The prosecution emphasizes the claim --

THE PRESIDENT: Pardon me. Just where is that found, that we can mark it?

MR. SPEECHER: Just before the entry, in the middle of the page that says "page 3 of the original."

THE PRESIDENT: Yes, thank you.

MR. SPEECHER: The prosecution has indicated that the two alleged partners, the High Nazis and the Farben leaders, were interested in conquest and we believe that is some evident thereof.

On the next page, under entry 5, you will note a discussion of the

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Commercial Committee of the activity of the I.G. abroad in the international organization.

May we pass then to NI-6161 -- that may go in as Prosecution Exhibit 369 -- again minutes of the Commercial Committee from September 1940. Now, in the first paragraph, Dr. von Knieriem is reporting of some discussions he had had with the Reichsgruppe Industry and you will note that stress is laid upon the fact that in the occupied territories -- these are territories which have been overrun by the German war machinery -- Dr. von Knieriem indicates that negotiations may be only carried out in closest agreement with the Reich Ministry of Economics.

We feel that this is connected on its face in connection with Count II and there is an alliance of Farben in actual conquest. This is an alliance of Farben and the Nazi authorities in actual conquest.

You will note on the next page that there is further discussions concerning France which involve reports by the defendant Mann and the defendant Schnitzler and in both topics concerning the reorganization of the chemical industry in the occupied countries are taken up.

Going over to page 28, which is page 44 of the German, under the entry "7) Southeast Europe" I think it becomes apparent that the listing of members of the Southeast European Committee, which I read yesterday, now has a little more relevance. On the basis of a report by Dr. Buhl, the deceased Vorstand member, Dr. van Schnitzler indicates that the Southeast Committee has no power to make decisions but only advisory functions; and a little later on what the Southeast European Committee was doing at this time, which was after war was started and after there was occupation of the enemy countries, will become more apparent.

The next document, NI-6083, will become -- I beg your pardon -- that should be NI-6086 -- will become Prosecution Exhibit 370, with

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your permission. I want to very briefly mention one thing on page 31 of the English, which is page 48 of the German, under the heading "France" which is heading "5". There is reference to an investigation in France, an inspectionary investigation in France, by the defendant von Schnitzler. I beg your pardon -- von Schnitzler reports on inspection in France by Engineering Committee. That is the TEKO, Technische Kommission, which was headed by the defendant Jaehne. I do not know whether the defendant Jaehne was present on the actual trip or not.

Now you will note a rather interesting entry under "Italy", items 6, the 3rd paragraph: "the demarcation of the mutual spheres of interests in other fields in Italy, Croatia and Greece is discussed." The object of conquest we find is rather apparent. Again going into the knowledge point in connection with spoliation, that is illegal activities in the occupied countries.

May I refer you to the reports on South Eastern Europe on page 32 of the English and 49 and 50 of the German and turning over to page 33, paragraph 10, you can see the anticipation of the fruits of conquest in the discussion on Africa, which you will note, Your Honors, has something to do with the so-called Colonial Committee. Farben had its Colonial Committee although Germany had no colonies.

The next document I shall skip and NI-5744 may be introduced as prosecution exhibit 371. Your Honors, may I ask you to correct the index on that document. Dr. Bachem pointed out to me that the last sentence has been copied in by mistake. Namely the note concerning I.G.'s production, etc., it has no reference to that document. Now, there are only a few things which we want to point out now in connection with this document, namely that the Verbindungsmaenner, the I.G. liaison officers or their deputies would be appointed only through the Commercial Committee and secondly the importance of the defendant vonKnieriem in the whole legal set-up of Farben in that the Berlin office after this time no lawyers would be appointed without his approval. The defendant vonKnieriem had his headquarters in an entirely different part of Germany at Ludwigshafen.

I will pass the next document, as well as the next, and with your permission I will come to NI-7318, with your permission that will go in as prosecution exhibit 372. There is a typographical error in the name, it should be Heider - H-E-I-D-E-R. Von Heider was in the sales combine chemicals and this is a report by him, giving his view on the function, on the functions of the commercial side of I.G. Farben

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and he makes reference to a number of special committees and indicates how they were connected up.

May I trouble you to turn to page 64 - page 90 of the German - at the bottom of the page. Mr. Von Heider has been talking about these various meetings of all the sub-committees and he notes in the last sentence: "Since all the meetings had been held immediately following each other, the impression of the persons reporting to the Vorstand were fresh, and it can be said that the entire Vorstand was well informed about all important matters."

On the next page it will unnecessary to read, but only to note, Your Honors, that the entire membership of the Chemical Committee and the times when the different persons became members of that committee are given.

May I suggest too that you note expressly the entry on page 67 of the English, pages 92 and 93 of the German, there is a discussion of so-called "Vorstand Responsibility." By now it must have become to Your Honors that we place a great deal of emphasis on the fact and the meaning of Vorstand membership and we think these few paragraphs here toward the end of the affidavit are significant in that connection.

May I pass down to document NI-9267 and mark that in as prosecution exhibit 373. This is another affidavit of Hermann Baessler.

THE PRESIDENT: May I inquire what number, NI number?

MR. SPRECHER: NI-9267, just down one document, Your Honors. This is a very brief reference to how the sales combine and other sales organizations were managed and the persons involved in that management and the period of their involvement are mentioned. I will pass directly from that document.

The next document NI-5177 may go in as 374. This is another affidavit of von Heider from the sales combine chemicals. In the second paragraph he refers to the Schnitzler affidavit, which is NI-5198 or prosecution exhibit 21, in which the defendant Schnitzler made some

comments concerning the working of the Commercial Committee, although generally reaffirming the statement that the defendant Von Schnitzler made there, Mr. von Heider points out that in his view in the sales combine chemicals there was complete agreement with the technical people, so that even if there were hard battles agreement was reached between the technical and commercial men in all cases.

NI-5668, which is already in evidence as prosecution exhibit 127 --

JUDGE MORRIS: 127?

MR. SPRECHER: 127.

JUDGE MORRIS: Thank you.

MR. SPRECHER: I only draw your attention to the entry on page 82, which is on pages 109 and 110 of the German. It is noted that after there was a shortage of nitric and the Reich Ministry of Economy intervened there was no necessity for any direct control by the Reich because the distribution system already in effect was ample. The time, Your Honors, is December, 1937, and the Reich was taking a direct interest in the distribution of nitrogen, which as we learned this morning had a very specific meaning given the program of the nazis at that time.

The next affidavit NI-9262 is a further affidavit of Baessler, which may go in as Prosecution exhibit 375. Here we come to another mixed committee, the Dye Stuffs Committee, which had some variation in that there was a steering committee of the committee and a full committee. The time when various persons came on to this committee, I have noted. Would you like to have me underline the times when the defendants came to this committee, Your Honors?

THE PRESIDENT: If you please.

MR. SPRECHER: Your Honors, you will note in paragraph 2 that the defendant von Schnitzler was on this committee from the time it was founded in 1926 and was its chairman after 1928. Then in paragraph 6 there were additions made in the year 1936 and the defendant Ter Meer and defendant Kluger became members at that time.

Turning the page and going to paragraph 12, you will note that the so-called select Eye-Stuffs committee, often referred to as the steering committee, consisted of among others the defendants Schnitzler as chairman and the defendant Kugler.

The next document is NI-6351, which may go in as Prosecution exhibit 376. The relevancy of the next document we find is practically shown by this document in that you will note that in the full Eye-Stuffs committee in March 1938 at the time when Austria was about to be invaded, the mobilization project was discussed in preparation for the next meeting of the Commercial Committee. That goes again as to integration and to the point of knowledge.

The next document, Your Honors, NI-6544, is an affidavit of the defendant Ilgnor, which may go in as prosecution exhibit 377. I might remark in passing that the circumstances under which certain affidavit given or certain statements made in 1945 were drawn up, then later reaffirmed or corrected, are indicated in paragraph 2. I have the intention, at this time, only to point out several dates which are brought out in this affidavit and several names in connection with the organization of Berlin NW 7, that central branch of Farben, Your Honors, on the right hand side of the chart, which is under the direction of the defendant Ilgnor. You will note in that paragraph 4 of the affidavit that Vowi, that is Volkswirtschaftliche Abteilung - we will always refer to it as Vowi here, it is difficult to translate, perhaps a close translation would be People's Economic Department, but that does not have much meaning. We will refer to it as Vowi. You will note it was established in 1929 with the assistance of Ilgnor.

Turning the page, in paragraph 5 reference is made to the establishment of Wipo, which in the German is Wirtschaftspolitische Abteilung, which may perhaps be literally translated as Economic Political Division or Economic Political Policy Division of I.G. Farben. Again we shall refer to it as Wipo. It was formed in 1933 or 1934 and from the year 1934 until I believe 1938 it was under the direction of the defendant Gattineau.

Now on page 92 of the English, pages 121 and 122 of the German, there is a brief survey of the management of NW 7 in Berlin, which shows its various department and from time to time, Your Honor, may want to come back to that in connection with the documents which we might introduce. You will note that the names of the defendant Ilgner and the defendant von Der Heyde come up in several instances. May I note under VIII Press Office the name because one of the documents which we introduced here and which was mentioned in the opening statement, General Telford Taylor mentioned in the opening statement that Passarge was addressing a rather important letter and we want to establish who he was in this way.

Now, may I go over to page 98 of the English, page 132 of the German, page 13 of the original, the defendant Ilgner gives the list of I.G. officials and I.G. Gremien, perhaps best translated as brain trusts, although that is perhaps a little farfetched, are listed and he says these are Gremium who for official I.G. purposes maintain contact with governing agencies and later on also with party offices. I won't trouble you to run through all of those now, but you may feel it important in connection with many of the documents and in deciding what was the significance of the high positions we claim was held by these defendants in connection with the crimes alleged.

NI-4928, the next document at 109 of the English, may go in as prosecution exhibit 378. This is an affidavit by Kurt Krueger concerning NW 7 and some details concerning the defendant Ilgner. Dr. Krueger was Ilgner's deputy in the NW 7 organizations for most of the time during which we are here concerned and we thought his observations might be of some assistance. There are a number of references throughout the document to the way a number of things were done which will be connected later on. For the time being I will not make any attempt to indicate the background.

NI-4928

THE PRESIDENT: That is the one you just introduced.

MR. SPRECHER: I am sorry, NI-2788, which may go in as 379, prosecution exhibit 379, is a letter in the year of 1942 signed by a deceased Vorstand member and the defendant Ilgner on behalf of the I.G. Farben and addressed to the Foreign Organization of the NSDAP. The functions in dealing with the Reich authorities has been brought out before and will come up many times. Here we should like to point out with this principle agency the Nazi party dealing with foreign affairs, the Auslands-organization or foreign organization of the Party and I.G. is dealing intimately and the statement is made at the bottom: "hope that the proposed arrangement will contribute to bringing about a closer and successful collaboration between yourself and us. "

The next document, NI-7601, may go in as prosecution exhibit 380. These are the by-laws for the legal department of the Working committee for the year 1926.

The next document NI-7597, Excuse me, the defense counsel wants to see the original. The next document is NI-7597, which are the by-laws of the Patent Commission of I.G. Farben of 1926, that may go in as prosecution exhibit 381.

JUDGE MORRIS: Mr Sprecher, I understood you to say that the prosecution exhibit 380 was also in 1926; am I in error in that?

MR. SPRECHER: No, you are not in error. That was my impression.

JUDGE MORRIS: I have noticed it says undated in the index.

MR. SPRECHER: Yes sir, there is nothing upon the fact of it to indicate its date, that is why in the index it is undated, but at the time when Farben was set up in 1925, it started to work on a new basis in 1926, both of these departments did come into being and there are statements, I believe, in other parts of the record concerning that, that is why I said in 1926.

JUDGE MORRIS: Alright, thank you.

MR. SPRECHER: We have no indication, Your Honors, from our investigations that these by-laws were amended and if defense counsel should think it important to show any deviations there from, we invite them to undertake that. We have nothing further.

THE PRESIDENT: You are saying it would be at least a prima facie of the by-laws. Of course if there are any amendments or modifications that is a matter for the defense and it might be offered subsequently.

MR. SPRECHER: Your Honor, that completes the presentation of book 14.

THE PRESIDENT: May I inquire if counsel for the prosecution and the defense has had an opportunity to reconcile the matters that resulted in the holding up of the introduction of some of the exhibit that were offered yesterday?

MR. SPRECHER: In some cases we have been able to discuss them, but in order to present them altogether after others have been discussed, a little more time should be required.

THE PRESIDENT: I would perhaps be just as well to let that matter stand until you have surveyed the whole field and make the proper disposition at one time, and we will have that understanding.

MR. SPRECHER: There are also right from the first day or two a couple of holes in the record, which we intend to catch up before we go too far, but we have been rather pressed to have time outside of court to work on some of these older matters because of our desire to present some of the new documents.

THE PRESIDENT: Well, the only concern of the Tribunal is that it is a little bit difficult to keep these matters in mind, and when you can get around to it, we will appreciate it, because otherwise we might overlook it and leave a lapse in the record. We are not pressing you on it, we know you have been busy and you have made very fine progress and we certainly are not chastizing you, but just keep it in mind that we do have some of these matters and in due time should be given some consideration.

Now, are there any other matters which are to be presented, aside from the discussions of the prosecution's evidence, at this time before we recess? Have you anything in mind, Mr. Prosecutor?

MR. SPRECHER: Could I have just a moment to talk to Defense Counsel? There is nothing further at this time from either of us.

THE PRESIDENT: Mr. Prosecutor, may we inquire in the book 14 which we have been working from you passed some four or five tentative exhibit. Is it your intention to come back to those or are they to be dropped from consideration?

MR. SPRECHER: Well, certainly dropped from consideration for the present time. We would like to maintain the reservation that it may be important to bring them in when they can be better connected of some of the documents at this time, we thought it best to pass over them and it may not be necessary to ever come back to them.

THE PRESIDENT: Well, then the responsibility will be yours to determine whether or not they are to be offered later and otherwise we will just forget the matter.

There is nothing else to come before the Tribunal. I will now rise and be in recess until Tuesday morning at nine thirty o'clock.

THE MARSHAL: The Tribunal will be in recess until nine-thirty Tuesday morning.

(The Tribunal adjourned until 16 September 1947, at 0930 Hours.)

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Volume 3, p. 775-999

Sept. 16-18, 1947

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

OFFICIAL RECORD

UNITED STATES MILITARY TRIBUNALS NÜRNBERG

**CASE No. 6 TRIBUNAL VI
U.S. vs CARL KRAUCH et al
VOLUME 3**

**TRANSCRIPTS
(English)**

16-18 September 1947 pp. 775-999

Official Transcript of the American Military
Tribunal No. VI in the matter of the United
States of America against Karl KRAUCH et al,
defendants, sitting at Nuernberg, Germany, on
16 September 1947, 0930, Justice SHAKE presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI.
Military Tribunal No. VI is now in session. God save the United
States of America and this Honorable Tribunal. There will be order in
the courtroom.

THE PRESIDENT: Are the defendants in the box, Mr. Marshal?

THE MARSHAL: May it please Your Honor, all defendants are present
save the defendants Wurster and Ilgner, who are absent due to illness.

THE PRESIDENT: Is counsel for the defendant Ilgner present? The
Tribunal has unofficial information that the defendant Ilgner is tempo-
rarily ill but it is anticipated that he will be back at the trial in
the course of a very few days. Under the circumstances the record may
show that he has been excused from personal attendance on account of
illness.

Now, gentlemen, we have been in recess since last Thursday. The
Tribunal hopes and trusts that the intervention has permitted an orderly
organization of the material on hand so that the Tribunal may proceed in
an orderly way in the reception of the prosecution's evidence without
any unnecessary delay. If there are no interlocutory matters to come
before the Tribunal at this time, the prosecution may proceed with the
presentation of its evidence.

MR. SPRECHER: May it please the Tribunal, before proceeding with
the introduction of our evidence, we thought it might be helpful if we
presented Your Honors and defense counsel with a rough outline of our
present intentions with respect to the presentation of proof during the
next week or two.

By the recess this morning we should be able to conclude with the
documents contained in Document Book 15. These documents are being
presented because they have a direct relation to the corporate structure
and the organization of I.G. Farben even though many of these same docu-

ments, of course, are most relevant in other connections. Thereafter Mr. DuBois, granted the permission of the Tribunal, will present a very short survey of the prosecution's view as to the general purpose and relevance of the proof so far introduced. Then we shall go further with evidence bearing principally, though not exclusively, on Count C of the indictment, namely, that Farben participated in preparing the Four Year Plan and in directing the economic mobilization of Germany for war.

Your Honors and defense counsel will please bring into court in this connection Document Books 16 and 17. We will have two documents from each of these books and after the subject referred to it will not be necessary to bring those two books to court again and thereafter we will go on to Books 19 through 25. Those seven books are dealing entirely with Count C. Now, because of certain problems in reproduction and our desire to get the German document books before defense counsel at the earliest possible time, some of the documents in the English document books will be found in a differently numbered volume of the German. However, the prosecutor presenting the documents will note the variations as he reaches them and there should not be any great trouble. The document books, Your Honors, have been re-arranged so that each document, more or less, will fall in the order that they are listed. However, some of the defense counsel document books are slightly out of that order because we wanted to get the document books to them at an earlier time.

Now, all of these document books have been in the hands of the defense since 13 September at the latest and some of them have been in the hands of the defense since 8 September.

Now, in connection with the presentation of the material under Count 1-C of the indictment we plan to call as a witness General Hermann von Hannecken, formerly a Ministerialrat Director in the Reich Ministry of Economics and a Plenipotentiary General in the Four Year Plan. As noted in the formal notice served yesterday upon the Secretary General, General von Hannecken will testify concerning the field of authority of

the so-called Krauch office and other matters relating directly thereto.

The above named should carry us to the end of the week or well towards the end of the week, judging by our recent rate of progress. Thereafter, we shall come to the proof principally related to Count 1-D, Farben participation in creating and equipping the Nazi military machine for aggressive war.

Under that sub-section we plan to introduce a greater number of documents than under any other sub-section of Count 1. Already three of the document books, 26 through 28, have been served upon the defense. In connection with these documents under sub-section 1-D we also plan to call an American chemical engineer as our principal expert witness on Count 1. He will give an expert's analysis in connection with the developments in the chemical industry of Germany during the years of the Nazi regime.

Concerning developments arising in conference between defense counsel and the prosecution I think at this time I can only report that we have made some progress and that there are a number of things pending. I don't think it will be helpful to report on any of the intermediate stages at this time if that's agreeable to Your Honors.

However, I would like to give open notice to defense counsel that the prosecution would like to clear the record by Tuesday next with respect to all questions concerning the documents now marked for identification because of objections of defense counsel, and that will give us ample time, I believe, to clear those matters up. In that connection, if any defense counsel should note other claimed errors, we will be glad to take them up whether or not official objection has been noted on the record or not.

May I request that you turn to Document Book 15. Your Honors will note that the first four documents are all affidavits of Baessler from the Office of the Central Committee of the Vorstand. In each of these affidavits Herr Baessler states his former position and the recent access he has had to certain official records from which he drew up the contents

of these documents. I think they may go in rather rapidly.

NI-7957 may go in as Prosecution Exhibit 382. The affidavit shows the officers and members of the Verwaltungsrat and Aufsichtsrat of the I.G. Farben.

The next document, NI-10045, may go in as Prosecution Exhibit 383. This document shows the members of the Aufsichtsrat Committee, the Aufsichtsrat-Ausschuss, between 1938 and 1945. Only one defendant, the defendant Krauch, was a member of this committee. Your Honors will note, however, that throughout the life of that committee Paul Mueller, chairman of the Vorstand of DAG, was also a member of the Aufsichtsrat Committee.

The next document, NI-7956, may go in as Prosecution Exhibit 384. In this affidavit Baessler takes up the I.G. Farben Vorstand members throughout the period from 1926 to 1945. I don't think it's essential, Your Honor, that I underline the Vorstand members. I am sure by this time they are rather obvious. I would only like to point out over on page 11 of the English and page 13 or 14 of the German the name Constantin Jacobi. Jacobi is the only living member of the Vorstand of I.G. Farben who was not indicted in this case. He retired from the Vorstand in 1943. At that time he was already in rather bad health. At the present time it did not seem that he was able to stand trial.

Going over to page 13 of the English and page 14 or 15 of the German, you will find the name of Erwin Selck, often referred to as Professor Selck. I would like to remind Your Honors that Selck was on the Central Committee of I.G. Farben as is indicated in the third column and that as one of the gentlemen who signed the communication forwarding the 400,000 marks to the Delbruck-Scheckler Bank in February 1933 in connection with the March 1933 elections. Professor Selck was an SS member. He was also the first Hauptbetriebsfuhrer.

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THE PRESIDENT: Pardon me, counsel, this morning I am having difficulty finding that name. Is that on page 13 of the book and 3-A of the document?

MR. SPRECHER: Yes.

THE PRESIDENT: And which name?

MR. SPRECHER: The name is about two-thirds of the way down the page 3 and the name is Selck, S-e-l-c-k.

THE PRESIDENT: Yes, Ours is a little obliterated. Thank you.

MR. SPRECHER: In addition to being an SS member, Selck was the first Hauptbetriebsfuehrer (the first Main Plant Leader) of I.G. Farben underneath the law for the regulation of National Labor which the Nazis passed or which Hitler issued in January 1934. When Selck moved into the Aufsichtsrat as the leader from the Vorstand, he was succeeded as Hauptbetriebsfuehrer by the defendant Schneider. Schneider was also an SS member. We point that out because throughout the period when Farben was required to have a Hauptbetriebsfuehrer, an SS member was chosen.

The next document is NI-10044. That may go in as Prosecution Exhibit 385. I think this document should be helpful to your Honors in encompassing the period just prior to and just after re-organization of German Corporate Law in 1937. Baessler points out here that there were two meetings of the old working committee in 1938 after the law had already been passed and he notes by the asteriks which one of the gentlemen listed attended those meetings. You will note that Baessler includes the defendant Gatincau as having been a member of the Working Committee from 1932 to 1935. I understand that is quite hotly contested but that's what Mr. Baessler informs us the records show. Your Honors will note that 15 of the 20 Vorstand members who have been according to Baessler were on the Working Committee of the Vorstand, before the Vorstand was re-organized in 1938. The five defendants who later

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became Vorstand members and who are not listed as members of the Working Committee prior to 1938 are the defendants Ambros, Buergin, Haefliger, Jachne and Lautenschlager. If you will recall one of the Turner affidavits mentions that the Deputy Vorstand members and several of the other leaders were called in to the meetings of the Working Committee before 1938 in a limited connection.

The next document NI-6173 may go in as Prosecution Exhibit 386. This is an affidavit of the defendant von Knieriem in which he goes into the history of the changes in the Working Committee. You will note in the middle of Paragraph 2 that the defendant von Knieriem indicates that prior to the re-organization the Vorstand never met as a whole but rather that the entire business of the Vorstand was carried on by the Working Committee.

DR. SILCHER: Mr. President, in this document there are a few inaccuracies in the translation. The original affidavit was in English. What you have in your document book will be the original of the remarks referred to in the German translation which we have in our document book. There are a number of minor matters which we will discuss with the prosecution directly. This is a re-translation because the original terms were German; Mr. von Knieriem made the statement in English and the translation into German is not quite accurate. One thing is so important I think I must mention now -- that's on page 21 of the German book. It's towards the end. I don't know what page it is in the English when he said: "I attended meetings of the Commercial Committee (Kaufmannische Ausschuss) and on many occasions I attended meetings of the Working Committee." That's translated in this case as meetings of the "Arbeits-Ausschuss, the Working Committee." That's a mistake. That is important because at the beginning Mr. von Knieriem says he wasn't a member of the Working Committee of the Vorstand; and at other points the prosecution

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maintains that he was a member of the working committee. Therefore, I consider it important to state right now that this is an error.

MR. SIFCHER: It seems to me that the whole matter is one of those things which we probably should have taken up outside the session. However, the particular translation into the German which Dr. Silcher points out is incorrect and his suggestion is quite correct.

THE PRESIDENT: Under the circumstances we shall trust counsel to reconcile the German copy with the English which we understand is the original of the document.

MR. SIFCHER: I hadn't realized until Dr. Silcher spoke that there was any possible question about the defendant von Knieriem being a member of the Arbeits-Ausschuss or Working Committee. If your Honors will turn back to the last Document, NI-10044, you will note that Baessler lists him as a member. You will note that von Knieriem in Document NI-6173 in Paragraph 3 talks with some showing of authority concerning the authority and function of that Committee and that that Committee did, in fact determine the policy and direct the management of the affairs of the company. I think that the Paragraph 4 is generally a confirmation of what we have had from other sources in connection with the way the Vorstand meetings operated.

I merely point out again the re-affirmation of the fact that Dr. Tor Meer and Dr. Schnittler in effect, put the policy of the Vorstand when they did report to the Vorstand on what had previously happened in the Technical Committee and the Commercial Committee and you will note that von Knieriem states that he can recall no incidents when the recommendations of these two gentlemen were not put before the Vorstand.

In the next Paragraph 5 reference is made to Dr. Schneider, the defendant Schneider and a committee he headed called the Betriebs-Conference or factory conference which has to do with labor matters and he notes that any credit requirements which arose because of labor

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matters had to be passed through the TEA and the Vorstand. In connection with the personal responsibility of the defendant von Knieriem we merely note in passing in Paragraph 6 that he was regular attendant at most of the meetings of the TEA and that he attended meetings of the Commercial Committee as matters of interest of him came up. In Paragraph 7 he mentions that he was the Chief Attorney for Farben and head of the two most important committees dealing with legal affairs, the Legal Committee and the Patent Committee. In the last sentence you note that he was in charge as Chief Legal Advisor of all I.G. Farben Patent matters.

Then we pass to NI-6526. Your Honors, that's already come in evidence as Prosecution Exhibit 280, when it was introduced principally because of its reference to the position of I.G. Farben. I would not like to mention it because of what is contained in Paragraph 4. That's page 28 of the English and page 20 of the German. May I suggest that remark refers to the knowledge and to the participation of the Vorstand members in the whole flow of events. An agenda of the Vorstand was compiled after the Vorstand members has submitted topics for this agenda. Then during the actual Vorstand meetings Prueggemann made notes and after the Vorstand meetings went to the Vorstand members who had given any particularly long report and got an excerpt from them for the Minutes of the meeting. Then the proposed Minutes were submitted to the defendant Schmitz who sometimes made slight changes. At the next meeting of the Vorstand the Minutes were read and approved.

JUDGE MORRIS: Where does that appear in the book? I was unable to quite follow you, counsel.

MR. SPRECHER: Page 23 of the English and it's on page 4 of the affidavit.

JUDGE MORRIS: I found it. Thank you.

MR. SPRECHER: The next document is NI 10037 which may go in as Prosecution Exhibit 387. This is obviously a law of which Your Honors should take judicial notice. We are placing excerpts of this law before you because it is the basic law concerning the reorganization in German corporation law of 1937. Under paragraph 70 on the first page of the excerpts, the authority of the Vorstand is discussed. You will note under Paragraph 77, over on page 30 of the English and on page 31 of the German, that Vorstand members are allowed to participate in the profits of the concern in addition to a salary. This was true in the case of Farben. At least, with respect to a number of these defendants. Beginning at paragraph 81, the report of the Vorstand to the Aufsichtsrat is discussed, and over in paragraph 84, the statement is made that Vorstand members must exercise the care of an honest and conscientious business manager. They must keep silent regarding confidential matters. Considering the time this law was passed and what was to follow within the next two years, we attach some importance to that.

Beginning with paragraph 86, there is a discussion of the Aufsichtsrat. That may have some interest to Your Honors because many of the defendants were Aufsichtsrat members in a number of subsidiary concerns.

Beginning in paragraph 95, the duties of the Aufsichtsrat are discussed.

Then, beginning with paragraph 102, the functions of the stockholders' meeting are mentioned, and if you will turn over to page 44 of the English, page 45 of the German, reference is made in sub-paragraph 4 to the fact that banks may only exercise the voting rights of shares which

are not owned by them but which they are authorized, in writing, to vote. Of course, that was very much true in the case of Farben as we pointed out through an affidavit by Paul Denker, the chief bookkeeper of Farben.

Your Honors, apart from the sections I have mentioned, I don't think a great deal of this has any particular relevancy. However, it's one of those basic laws and to excerpt less of the law than we have we thought might be considered prejudicial or unfair. If the defense wishes to point out other sections of importance we, of course, welcome that.

Your Honors, at this time I would like to introduce the document which was handed up to you this morning. That is NI 10159. Defense counsel have also received the copies in German. That may go in as Prosecution Exhibit 388. This document is a commentary on the law of stock corporations which we have just placed in evidence. You will note that the gentlemen making the commentary were all in the Reich Ministry of Justice. Therefore, we believe that the document speaks with some force concerning the rights and duties of Vorstand members over on the next pages. We only wish to point out that the Vorstand was made, by plain words, the trustee of the Nazi state so far as large corporations were concerned. If you will look at the middle of the page, under Article 2, you will note that the new law is intended to establish a supreme rule of conduct for the management of the corporation, based on the National Socialist principle that public interest comes before private interest and making this principle an integrating part of the law of the capitalistic type of enterprises. The Vorstand is to manage the corporation in such a way, as the welfare of the enterprise and of its staff and the common interest of people and Reich require it."

Below are mentioned the fact that there are two basic postulates: a social political one and an economic political one. Indeed, all of these major corporations were geared by extreme calculation on the part of the Nazis to fit into the social political and economic political scheme.

The next document is NI 10038. That may go in as Prosecution Exhibit 389. The only thing we'd like to point out by this decree is that the joint stock law, as revised, was to enter into force as early as October, 1937. However, in the case of Farben, some of the reorganization did not fully take place until early in 1938.

The next document NI 4890 may go in as Prosecution Exhibit 390. We introduce these minutes of the chlorine committee, under date of 23 September 1941, which minutes are signed by Buergin, in order to show the thoroughness with which matters were discussed in the various technical sub-committees underneath the Technical Committee, and to show again how great was the responsibility of individual Vorstand members and how great was the knowledge in the upper brackets of the concern concerning matters, both within Germany and abroad, so far as Farben was concerned. Over on page 62 of the English and page 66 of the German, sub-paragraph 4, Buergin reports on the contemplated production of magnesium at Moosbierbaum. That was in occupied Austria, and, in the next paragraph, underneath the heading "page 5 of the original", you will note that the possibilities of erecting a chlorine electrolysing plant at Auschwitz was discussed in this committee, and, if you will go over to the next page, under Item 5 "Miscellaneous", you will note a discussion concerning the possibilities of Farben participating in certain special companies which were being set up in occupied Russia. We don't want to get into the details of Count II at this time, but the object is to show the discussion and the knowledge which these defendants had, because of the concrete structure of Farben, of the elements which we have alleged as crimes.

Now, Your Honors, the next document, should be NI 9487, and that may go in as Prosecution Exhibit 391. The prosecution was somewhat troubled during the course of its investigations to find out precisely what were the limits of authority of the various works combines. We contacted Dr. Struss, the former head of the Office of the Technical

Committee of Farben, and asked him to draw up a monograph on this subject in connection with one of our investigators. We had not anticipated, Your Honors, that the product would be this long, but, in order to describe the function of the works combine properly, Dr. Struss thought it essential to discuss in detail a number of things which have come before you in other connections. I just want to point out that in the first paragraph he states his purpose "to describe the nature and organization of the works combines of the Sparten and the individual I. G. operational plants", and he then gives an index to the whole document which I think you may find helpful when particular points on questions of authority come up.

I would like only briefly to point out several passages in this rather long document.

If you would turn over to page 67 and 68 of the English, which is page 72 or 73 of the German, there is a paragraph headed "Main Purpose and Founding of Works Combine". Dr. Struss points out that the works combines were calculated to secure a certain central direction of medium-sized and small plants through a larger central plant, in connection with technical, scientific and administrative problems, to avoid duplications, to economize, etc., and then he notes, in the last sentence before "page 4 of the original", that this grouping of plants on a geographical basis came to break down to some extent in that historical developments and such things as personal factors affected the various combines quite as much as their geographical location.

Over on page 72 of the English, page 78 or 79 of the German, reference is made to the Alluminium Werke I, the first aluminum plant. Ultimately, there were three. This is merely a notation that Farben owned but 50% of the aluminum works and the Metallgesellschaft controlled the other 50%. However, you will note that the technical and administrative management was entirely in the hands of I.G.

On page 76 of the English, page 83 of the German, in the last paragraph before sub-paragraph 2, Struss has noted that Bosch originally intended the defendant ter Meer to more or less have a superior position over the Sparten heads and further that this did not completely work out until Ter Meer became the head of the Technical Committee, and then it worked out only to the extent that one could say that Ter Meer was the first among equals, (primus inter pares), and I think it is noteworthy that Ter Meer, according to Struss, did not exercise any special influence on the internal workings of Sparte I and Sparte III. You will recall that Ter Meer, throughout this period of time, was the head of Sparte II as well as the head of the Technical Committee.

Over on page 79 of the English and pages 86 and 87 of the German, there is a reference, toward the bottom of the page, to the three mixed committees which are shown on the chart before Your Honors - the Dye Stuffs Committee, the Chemical Committee (or the CHEMA), and the Pharmaceutical Committee.

Over on the next page, page 80, Struss notes that the works combines were a concept no longer used except in Sparte II. He points out that Works Combine Berlin was almost identical with Sparte III and therefore it can drop out as a concept and that the other four works combines were

largely under the Sparte of the defendant Ter Meer.

Over on page 83 of the English, page 92 of the German reference is made to the coming to high position of the defendants Wurster and Ambros. In the middle of the page, just under the discussion of Works Combine Oberrhein, Struss points out that it was not until 1933 that all sections of Ludwigshafen showed a certain lively activity and that this was due to the replacement of some of the older gentlemen by the defendants Wurster and Ambros. You will note that the time coincides with the coming to power of the Nazis.

Over on page 84, under the Hoechst plant, you will note that the defendant Jaehne was called in there in 1931 as a deputy.

I think the way the document is drawn up, the position of the various defendants in the various plants comes out rather clearly. I won't pause longer on these things unless you so suggest.

On page 89 of the English, page 97 and page 98 of the German, Struss notes that during the early Nazi period, the outstanding developments in central Germany were the expansion of magnesium production through the construction of the Aken Works, the Stassfurt Works, and the supplementary works at Teutschenthal. You will note the periods, 1934 through 1936.

On page 94 of the English, about page 105 of the German, there is further reference to DAG. Initially, DAG was attached to Sparte III for reasons which Struss goes into, but he points out the dissimilarity between the products of Sparte III, as a whole, and the explosive industry of DAG, and the explosive industry of DAG, and notes that Mueller

himself - Mueller being the Chairman of the Vorstand of DAG - Mueller himself participated in the TEA. The note is made that beginning from a time early in the war, money for new constructions in the military sector was only submitted irregularly or not at all to the Farben technical committee. I think other documents show that the connection between DAG and Farben was not limited merely to these formal representations in committees, but to much more real joint exploits in connection with the development of munitions.

As the years go by, you will note the frequency with which the names of the various defendants came forth in connection with important technical research and commercial matters which were basically essential to the preparation for and the waging of aggressive war.

Now, over on pages 106 and 107 of the English, page 121 through 125 of the German, reference is made to the establishment of the four different Buna plants. All of these were under the top direction of the defendant Ambros. That was true even in Auschwitz where the local factory management was under the defendant Duerrfeld which is noted under Buna Plant IV, Auschwitz, on page 107. May I point out, Your Honors, that Buna Plant II (Huels) was technically owned by the Chemische Werke Huels, in which Farben owned a 74% participation, and another concern, Hibernia, a 26% participation. The operation was in I.G. hands, you will note, first under the direct direction of Ambros and later under the direction of an assistant to Ambros.

Following right along, we come to the Reich owned and I.G. operated gas plants. We have previously put in some of the contracts concerning those. Here's a rather brief

description by Struss. He indicates that the factory managers were trained by Ambros at Ludwigshafen and then installed in Gendorf and Dyhernfurt. It's mentioned, at the top of page 109 of the English, that credits with respect to these poison gas factories did not pass through the TEA.

At page 115 of the English, there is a reference to the three aluminium factories. It's noted that all three were only half owned by I.G. and half by the Metallgesellschaft, but the technical control and administration was in the hands of I.G. Light metals, Your Honors will note, was particularly the field of concentration of the defendant Buerger, and if you will turn the page you will note that even during the war, I.G. acquired some old concerns in connection with the further processing of metals.

Over on page 121 of the English, page 138 or 139 of the German, reference is made to the seven major plants of I.G. and the fact that the technical management of other I.G. Farben factories was directed through these seven larger plants. The eighth type of establishment which could be added would be the mines management at Halle. I would like merely to pass down that list with Your Honors to note which defendants were affected.

Sparte I, at Leuna, the defendant Schneider, and in technical charge, the defendant Buetefisch. Oppau, the defendant Wurster was Betriebsfuehrer of that particular plant in connection with labor matters, as well as well as the Betriebsfuehrer for the plant Ludwigshafen. Ludwigshafen, the next plant, was under the joint direction of Wurster and Ambros. The Hoechst plant was under the direction of the defendant Lautenschlaeger. The Leverkusen plant under the direction of the defendant Kuehne, Bitterfeld under the direction of the defendant Buerger, and, of course, the Wolfen

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Film Factory of Sparte III under the defendant Gajowski.

Now beginning on page 122, there is a discussion of production planning. This refers principally to production planning between the various plants since a large number, or at least Farben jointly ordinarily produced the same products and there had to be a connection between these various plants. This question is discussed on these pages.

With respect to Sparte 2, where the number of products was the greatest, again you will note that the Sparta office had less to do with it and the various sub-committees of Sparte 2 had more to do with it than in the case of Sparte 1 and Sparte 3. You will note also that the heads of these various technical committees were all members of the Vorstand. That is at the bottom of page 122.

Sorry to have detained you that long with that document.

Now, the next document has a peculiar history, NI-10158, may we put that in as prosecution exhibit 392 with Your Honor's permission. Dr. Wagner, defense counsel for the defendant Wurster and his assistant, called at my office in connection with the chart on the I.G. operated plants. Your Honors, that chart is prosecution exhibit 47, otherwise designated NI-10029. You will recall that as the chart which shows the various plants functioning under the three spertes, as well as under various Works Combines. Dr. Wagner was concerned less with that chart and pressed, Your Honors, too much with the defendant Wurster as the head of the Works Combine Upper Rhine. In the last affidavit which we have just gone through, I think you will observe that the Works Combine did decrease in importance considerably.

In paragraph 1 of this affidavit, NI-10158, Struss points out that the chart was prepared from a purely technical point of view and he indicates a number of other things which tell the authority of the defendant Wurster as compared to two other Vorstand members, who are also active in one way or another at Ludwigshafen and Oppau. This affidavit was drawn up by Dr. Struss after conversation with represent-

atives of both the defense and the prosecution.

The next document NI-1861-PS may go in as prosecution exhibit 393. This is the famous law of January, 1934 which put the leadership principle, the "Fuehrer Prinzip" into the factories of Germany so far as labor relations and social welfare are concerned.

We introduced before a commentary on the functioning of this law by Werner Mansfeld. It will come up again in the future since so many of the defendants were "Betriebsfuehrer" or the plant leaders in the naming of this law.

The next document NI-6095 may go in as prosecution exhibit 394. In this affidavit of the defendant Lautenschlaeger reference is made to a rather peculiar institution called the Betriebsfuehrer conferences. These conferences were convened, according to Lautenschlaeger, five or six times a year by the Haupt Betribsfuehrer, the defendant Schnoider, who acted as chairman of these conferences. You will note at one conference the defendant Gajewski deputized for Schneider and further the following defendants attended these conferences: Von Schnitzler, Wurster, Ambros, Lautenschlaeger, himself; Kuehne, Buergin and Gajewski. Would you also note, Your Honors, that these gentlemen attended ordinarily in connection with more than one plant. For instance, Schneider is reported by the defendant Lautenschlaeger to have represented the biggest German group of Farben factories at these meetings. Ambros naturally represented the Buna plants and poison gas, Lautenschlaeger himself the Mittel Rhein group.

In connection with knowledge under Count 3, we submit that this be important.

The next document NI 9201 may go in as prosecution exhibit 395. We submit that document solely to show again the wide spread distribution of the minutes of the important committees.

The next document NI-7831 may go in as prosecution exhibit 396. This is an affidavit by Gustav Kuepper, who was himself a member of

the Dyestuffs Committee. He discusses in this affidavit the functioning and the membership of the Dyestuffs Committee.

The next document NI-7367 may go in as prosecution exhibit 397. This document has principally to do with Count 2, Spoiliation, However, I introduce it at this time because of the first paragraph. Will Your Honors note that the affiant Eckert states that in his capacity as a member of the Dyestuffs Committed and as secretary of the central office for international dyestuff conventions he attended the internal Farben negotiations on the trusteeship and the acquisition of the Polish factories. We submit that that was a rather lowly position in contrast to the positions held by most of the gentlemen in the dock and if Mr. Eckert in that connection, as a member of the mixed committee and in the central office on Dyestuff conventions was called in and informed on these matters, as he later states, all question of knowledge as far as these defendants are concerned it seems to us should be established.

The next document NI-9264 may go in as prosecution exhibit 398. This is an affidavit by one Paulmann, concerning the third mixed committed, the Pharmaceutical Committee. He gives the history so far as membership is concerned. You will note that the defendant Hoerlein was in charge of that committed and that the defendant Mann was a member of that committee, both from the very early time.

The last affidavit as NI-9263 may go in as prosecution exhibit 399 and has no substantial importance, but since Bressler insisted that there were certain corrections to be made in the affidavit, we did not think it would be fair not to introduce the last affidavit.

That concludes, Your Honors, the presentation of the documents in document book 15. Mr. Dubois, with Your permission, will address the Court.

MR. DUBOIS: May it please the Court, I think this might be an appropriate time to make a few comments concerning the evidence which

has been introduced to date. My remarks should not take over twenty five to thirty minutes I would say at the most.

THE PRESIDENT: The Tribunal will be glad to have the observations of counsel for the prosecution with reference to the significance of the documents that have been offered. However, in the interest of orderly procedure it would perhaps be better if in the future we might have such observation before the affidavits or exhibits are tendered in evidence. That will at least eliminate the possibility of encroaching into the field of argument when discussing the significance of the documents. Certainly we are glad to have the observations of counsel for the prosecution at this time on this subject, we are not saying that at all critically, but as a uniform procedure applicable to both sides. The Tribunal believes it would perhaps be more orderly and more helpful if we could have in advance a statement of the objects that counsel has in mind when offering the exhibits.

You may proceed Mr. Dubois.

MR. DU BOIS: In the future we will try to conform to this procedure. The purpose of these remarks is to try to be as helpful as possible in a matter that is admittedly very complex, particularly in view of the fact that the inherent complexity of the case has been somewhat aggravated by the rapid pace of which it has moved.

The prosecution has already put in evidence approximately 400 exhibits relating primarily but not exclusively, to the following: First, the allegations contained in Section "A" of Count 1 of the indictment concerning the alliance of Farben with Hitler and the Nazi Party beginning in 1932 and ending with the collapse of the German armed forces in May, 1945; Second, the allegations contained in Section "B" of Count 1 of the indictment concerning the way in which Farben synchronized all of its activities with the military planning of the German High Command; and Third, the organizational structure of Farben with particular reference to the positions held in by these Farben defendants during the year 1932-45 in the financial, industrial and economic life of Germany.

Before proceeding further, the prosecution believes it would be helpful to summarize briefly the relevancy of these documents to the charges contained in the indictment and to the crimes defined in Control Council Law #10, which form the basis of the indictment.

The thirty-some documents contained in Document Books I and II were offered to show, among other things, the way in which the Nazi leadership with their program of war, and Farben, whose resources and power were essential to the waging of war by Germany, joined forces to carry out the Nazi program -- first by helping put Hitler into power; then by enabling him to consolidate his power by crushing the forces of freedom within Germany; and finally by attempting to crush the forces of freedom throughout the world. These documents reveal the nature and purpose of Hitler's program, on the one hand, and the indispensability of Hitler's partner, Farben, in the carrying out of this program on the other.

We do not stress the power and indispensability of Farben because we believe that any social or economic questions relating to the size of a

corporation are in any way germane to this case. As we pointed out in the opening statement they are not. But the size of the Farben empire and the strategic importance of Farben techniques must be grasped in order to understand the significance of the events which took place during the period covered by the indictment.

In the first place, we must understand that Farben was not an ordinary business enterprise but an enterprise which asserted substantial influence in the German government, influence of such importance that the government used the concern for political ends and the concern in turn used the government for its own ends. It is most significant and relevant in connection with the charges which have been made that Farben was no ordinary little fellow that could be pushed around. On the contrary, here was a big and powerful fellow that was in a position and had demonstrated its capacity to push other people around. It was an organization that was in many respects as powerful, and in some respects more powerful, than the German government. The fact that Farben was so powerful, particularly in the early 30's, when the Hitler government was attempting to consolidate its power, is of extreme importance in order to be able to properly appraise the actions of these defendants.

DR. VON METZLER: (Counsel for the Defendant Haefliger). It is my impression, and I believe it is the impression of my colleagues too, that the statements of the prosecutor are taking the form of a formal final argument. I protest since this is not the place for argument. The prosecutor has just announced that he merely intended to explain the relevancy of the documents which have been offered, but I believe that his statements are taking the character of a real argument.

MR. DU BOIS: May it please the court, in the judgment of the prosecution the remarks which I am now making, - which have only been one-third completed and which will take better shape as I go on, - we believe are very important to understand the relevancy of the documents which have been put in today.

DR. FRIBILLA: (Counsel for the defendant Lautenschlaeger.) Mr. President, I join in the statements of my colleague von Metzler essentially.

In the event, however, that the Tribunal considers the statements of the prosecution useful at this time, I should like to make the following brief comment. I can understand well that after these fifteen document books have been offered, the prosecution feels it necessary to explain why these books have been offered, because it is my impression that very many of these documents are on such general terms that one cannot see to what extent they are relevant. As I said, in the event that the Tribunal wishes to hear these statements of the prosecution, I have the following remarks to make. We were surprised by this intention of the prosecution. Document book 15 did not promise to be particularly interesting, so that a large portion of the defense counsel of the most important defendants are not present. I should like to have this statement continued after the pause, after the recess.

THE PRESIDENT: It is now within seven or eight minutes of the time for our morning recess and that will afford the members of the Tribunal an opportunity to discuss this matter among themselves. We will rise at this time for our usual recess.

(A recess was taken.)

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THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: The objection to the statement of the Prosecution now being made to the Tribunal will be overruled. The Tribunal may, however, have some observations to make with respect to future policy at the conclusion of the statement.

The Prosecution may continue with the statement.

MR. DUBOIS: As I was saying, the fact that Farben was so powerful, particularly in the early '30s when the Hitler Government was attempting to consolidate its power, is of extreme importance in order to be able to properly appraise the actions of these defendants during that period.

The evidence in this case will show again and again these defendants, through the instrumentality of Farben, taking the leadership in preparing Germany for aggressive war; and, of course, for there to be an aggressive war in modern times there must first be intensive preparation, and only by understanding the power of Farben can we understand how these defendants were able to take such leadership.

Standing alone, however, the proof which shows Farben's bigness and power obviously proves no crime. We are not trying these defendants because they possessed great power. We are trying them because they used that power criminally.

We are not trying these defendants because they possessed the power to set in motion a force which resulted in the death of millions of people. We are trying them because they actually set such force in motion and because they did it under circumstances and for purposes which are recognized as criminal by international law.

That distinction we urge with all the earnestness we can summon. It is the tragic abuse--the criminal use of great power by these defendants which we seek to show--and for which we shall ask a finding of guilt. To show that the defendants used that power criminally we must first show that they possessed it and what the nature of it was. Where one man shoots another in cold blood, proof of the possession of

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a pistol is sufficient demonstration of the power to kill. But where, as here, a criminal assault upon a whole world is charged, the proof is more complex. And, unfortunately in some respects, it is often extremely dull. It is nonetheless basic and vitally relevant to show what power it was that the accused commanded. To cite one example. The indictment charges these defendants, through the instrumentality of Farben, with carrying on world-wide propaganda, intelligence and espionage activities as a vital part of German preparation for and waging of aggressive war. Such a charge is incomprehensible and the specific evidence we will introduce later in direct support of such charge cannot be fully appreciated unless we first understand that Farben had its tentacles in practically every country of the world, and that its world-wide empire was in many respects stronger and better fitted for this purpose than the foreign governmental missions of Germany and in fact of most countries of the world.

The approximately thirty documents in Document Book III relate primarily to the allegations contained in paragraphs 6 thru 13 of the indictment concerning Farben's part in bringing Hitler to power, knowing full well his purpose to seize power by violence if necessary and the program which he proposed to carry out.

The twenty-some documents contained in Document Book IV relate to the support which Farbengave to the Nazi Party and Party Organizations, including the SS and the SA, which were heavy burdens on the Party treasury. Your Honors will recall that this support included, among other things, financial contributions by Farben to the Party Organizations between 1933 and 1945, amounting to over 40 million Reichsmarks.

Document Book V contains forty-some documents relating, first, to how Hitler made good to Farben the assurance he had given in 1932 concerning sythetic gasoline and the revealing how these defendants

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through Farben began in 1933 cooperating with the German Military and other government agencies in preparing Germany for war. To use the words of Mr. Justice Jackson:

"This war did not just happen. It was planned and prepared for over a long period of time and with no small skill and cunning. The world has perhaps never seen such a concentration and stimulation of energies of such people as that which enabled Germany twenty years after it was defeated, disarmed, and dismembered, to come so near to carrying out its plan to dominate Europe. Whatever else may be said of those who were the authors of this war, they did achieve a stupendous work in organization.... Financiers, economists, industrialists, joined in the plan, and promoted elaborate alterations in industry and finance to support and unprecedented concentration of resources and energies upon preparations for war.... These preparations were of a magnitude which surpassed all need of defense, and every defendant, and every intelligent German, well understood them to be for aggressive purposes."

The defendants who are in the dock are charged with major responsibility for participating in this planning and preparation beginning years before Germany's actual acts of aggression.

The Control Council Law # 10 defines crimes against peace as including preparation and planning to wage aggressive war. It was the judgment by the International Military Tribunal of guilt for planning an aggressive war that will have its mark in history. If international law is to be of any significance in its impact upon a future war, it must strike of the acts constituting preparation for aggression and not only at those acts which occur once the aggression has started. The very fact that the activities of these defendants in preparing Germany for an aggression against her neighbors extended over a long period of time prior to the actual aggression, is in large measure the guts of this case.

The over one hundred and fifty documents contained in Document Books VI thru X relate primarily to the allegations in Section "B" of Count I concerning the way in which Farben supported the Nazi program for aggression by synchronizing all of its activities with the military planning of the German high command. Beginning as early as 1933,

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we find smoke screen experiments and air raid precautionary measures being taken by Farben; and in 1935, we find Farben activities so closely interwoven with the activities of the Wehrmacht that it became necessary to establish a liaison agency to act as a channel of command and liaison between Farben and the military.

Here again it is submitted that it would be impossible to appreciate the true meaning and significance of Farben's activities in 1933, 1934, and 1935, without some understanding of tremendous concentration of economic and industrial power it then represented.

In 1933 when the Hitler government was still shaky and unstable, Farben was and had been for many years, an immense empire. Farben's influence and power particularly in the early years has, it is submitted, the closest bearing upon and relevance to the charges made against these defendants--that they were guilty of preparing and planning for an aggressive war.

The approximately 135 documents contained in Document Books XI through XV relate to the positions and responsibility which the defendants held in Farben and in the financial, industrial and economic life of Germany, including their positions in the German Government. These documents also deal with the structure of Farben in order to show the extent to which the defendants in the dock were responsible for the activities of Farben and took initiative in the forming of its policies during the years that Germany was being prepared for war. Many of these documents make the connection of other documents much more apparent.

We charge these defendants with major responsibility in preparing Germany for an aggressive war and in participating in waging that war. To prove that charge we must show not only the total of power which they collectively commanded. We must also show the place and power of each individual in the collective whole. Lacking much of this proof, we feel this Court would not be able to properly assess individual

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guilt or innocence under law.

As we proceed in this case, we will attempt to make our views more apparent as we introduce the documents, and to the extent possible before we introduce a group of documents we will attempt to give the general purpose for which they are being introduced.

THE PRESIDENT: The Tribunal would like to observe at this time that it is fully advised of the complexity of this evidence and that of necessity it must rely very strongly and heavily upon Counsel for the Prosecution and for the Defendants to advise us of their theories as to what the evidence does or does not establish.

At the same time we also appreciate very keenly the difficulty of drawing a definite line between the fields of statement of facts to be established and argument as to what has been established by the evidence. It is our feeling that Counsel for the Prosecution and the Defense can assist us most by plain, simple and terse statement made in advance of the offering of evidence upon particular subjects. We are not yet ready to say that we will not permit any summarization after the documents have been introduced. Perhaps, likewise, that would be helpful, although, of course, we cannot allow the privilege to be abused.

In any event, whether the statement of theory is made before the documents are offered or by way of summarization after they have been introduced in evidence, in any event, we say, the elimination of pure argumentative discussion is necessary in the interest of time and orderly procedure. The policy that we follow with respect to statements and disclosures as to what the evidence will establish will apply alike to the Prosecution and the Defense and we shall rely very strongly and heavily upon the demonstrated capabilities of Counsel for the Prosecution and the Defense not to abuse the privilege. We think perhaps that is enough to say at this time.

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The prosecution may continue with the presentation of its evidence.

MR. CHARMATZ: May it please the Tribunal, I will try to comply with the observations of the Court, and to explain before I introduce each document here the purpose of this document.

May I first ask the Tribunal to take judicial notice of the findings of the International Military Tribunal, which can be found in Volume 1 of the official text of the trial of the major war criminals--Volume 1 which is to be found on page 182? Do your Honors have the book before you, or may I read slowly?

THE PRESIDENT: In which volume is it found?

MR. CHARMATZ: It is Volume 1, Your Honor.

THE PRESIDENT: I think perhaps you had better read it, because we have those books in our offices but I am sure that my associates do not have them with us.

MR. CHARMATZ: Very well, Your Honor, on page 182 of Volume 1, under the heading: "Measures of Rearmament", I quote.

"It was necessary to lay a secure financial foundation for the building of armaments, and in April 1936 the defendant Goering was appointed Coordinator for Raw Materials and Foreign Exchange, and empowered to supervise all State and Party activities in these fields. In this capacity he brought together the War Minister, the Minister of Economics, the Reich Finance Minister, the President of the Reichsbank, and the Prussian Finance Minister, to discuss problems connected with war mobilization; and on 27 May 1936, in addressing these men, Goering opposed any financial limitation of war production." And he added that "all measures are to be considered from the standpoint of an assured waging of war."

"At the Party Rally at Nurnberg in 1936 Hitler announced the establishment of the Four Year Plan, and the appointment of Goering as the Plenipotentiary-in-charge."

I will not read any more, Your Honors, of this excerpt which can be found on page 182. May I, with Your Honors permission, just quote

four more sentences which can be found on pages 307 and 308 of Volume 1 of the International Military Tribunal which deal with the findings in the case of the defendant Schacht, Dr. Schacht? May I quote:

"Schacht, by April 1936, began to lose his influence as the central figure in the German rearmament effort when Goering was appointed Coordinator for Raw Materials and Foreign Exchange. Goering advocated a greatly expanded program for the production of synthetic raw materials which was opposed by Schacht on the ground that the resulting financial strain might involve inflation. The influence of Schacht suffered further when, on 16 October 1936, Goering was appointed plenipotentiary for the Four Year Plan with the task of putting 'the entire economy in a state of readiness for war' within four years."

The next seven document books -- the document books 19 to 25 -- will be introduced primarily to cover the allegations made by the Prosecution in Section C of Count 1 of the indictment. The first two documents in this document book 19 cover the allegations made in paragraph 25 of the indictment, and may I introduce first, as Prosecution Exhibit 400, the document HI-5380? The first allegations of the paragraph 25 of our indictment should be covered by the excerpts from the findings of the International Military Tribunal. The Exhibit No. 400, as Your Honors will find, is a "top secret" document dated 26 May 1936, which is the record of a meeting of the Advisory Committee about Questions of raw materials.

Your Honors will find, on page 1 of the Document Book, the list of the persons present; among them Minister-President Goering, then Dr. Schacht, Keitel (the defendant in Case No. 1), then a few lines further down Col. Loeb, who will be mentioned here. May I point out that this document can be found in Document Book 24 of the German text, pages 1 and 2.

Mr. Sprocher pointed out at the beginning of this morning's session that the documents as arranged in Your Honors' copies and in the copies

presented here by the Prosecution are differently arranged from the German document books since the Prosecution wanted to have the Defense have their documents at the earliest possible moment; and, therefore, the order how the documents are arranged here—what we call 'the logical order'—is slightly different from the order in the German document books.

THE PRESIDENT: Counsel will take care to give the page of the German document book in each instance. Perhaps it will not cause too much inconvenience.

MR. CHARMATZ: I will do so, Your Honor.

This document can be found in the German Document Book 24, page 1. May I continue, Your Honor? In the middle of page number 1 we find the name of the defendant Schmitz of I.G. Farben A.G. This name can be found in the middle of page 1, and we find other outstanding names of German economy as Voegler, Flick and persons of the later Four Year Plan, whose names will be mentioned more often in this presentation.

May I draw Your Honors' attention to page 7 of the English document book, which can be found on page 9 of the German document book 24? At the top of the page Your Honors will note that the raw materials, the increased consumption of raw materials here is mentioned as due to the needs of the armed forces.

On page 8 of the same document book, which can be found on page 11 of the German document book 24, at the end of the first paragraph also Your Honors will note again that the Wehrmacht requirements are pointed out in this discussion.

On page 17 of this document, which is page 21 of the German document book 24, Your Honors will note, in the second paragraph from the bottom, Minister-President Goering speaking. It says that "Minister-President Goering emphasized that in the A-Case (A-Fall) we would not, under certain circumstances, get a drop of oil from abroad."

Here again the Prosecution alleges that from this excerpt can be

seen that these preparations of the Advisory Committee were aimed for the preparation of war.

I will skip the rest of this document, and may I now offer, as Prosecution Exhibit 401 the document PS-1301, which can be found in the English document book on page 30, and in the German document book 24 on page 34? This document, which was an exhibit in the case before the International Military Tribunal, and was U.S.A. Exhibit 123, is a collection of documents concerning Germany's economic preparations for war, which was found in the files of the Feldwirtschaftsamt, which was before the Military Economics and Armament Staff of the General Thomas.

May I draw your Honors' attention to page 49 of the English document book, where that is page 52 of the German Document Book 24, which contains the secret minutes of a meeting of ministers on 27 May 1936, which is the day following the meeting of the Advisors Committee which I just mentioned? In this document Goering pointed out -- and Your Honors will note in the second paragraph of page 49 that two sessions of the Board of Experts had been held. This refers to the same Board of Experts as is mentioned in our document NI-5380, Prosecution Exhibit 400. We mentioned, however, here only the second meeting which took place on the day before, namely the twenty-second of May.

On page 50 of this document, which is page 55 of the German Document Book 24, Goering pointed out -- and may I quote two sentences? I quote the second paragraph:

"It must be attempted to produce these raw materials within Germany which are economically favorable for other raw materials ready reserve for the case of mobilization (Mob-Fall)."

And one line down, as underlined in the original German document: "Certain raw materials for war must be stocked."

Further down, the second paragraph from the bottom, page 50, which can be found on page 56 of the German Document Book 24: "Prime Minister Goering says 'At first' the specially urgent petroleum question is to be treated."

On page 52 of this document, which can be found on page 58 of the German Document Book 24, Minister van Blomberg, who was the Reich Minister of War -- I quote -- "recommends further collaboration with the Kaiser Wilhelm Gesellschaft." And Minister Popitz, who was the Prussian Minister of Finance, mentions that Geheimrat Bosch, at that time the Chairman of the Vorstand of I.G. Farben, should be appointed; "however, that his nomination is possible for this post when his resignation from the I.G. is possible."

Your Honors will see during the course of our presentation that in

the case of the defendant Krauch Goering did not deem it necessary that the defendant Krauch resign from the Vorstand of I.G. Farben when he appointed him to the important positions within the Four Year Plan.

The next document, NI-10386-which I want to offer as Prosecution Exhibit 402, can be found on page 73 of the German Document Book 24. In this document is an affidavit of Paul Koerner, who was, as is stated in paragraph 1 of this affidavit, Undersecretary of State of the Prussian Minister of State from April 1933 to 1945, Under-Secretary in the Four Year Plan, and permanent representative of the Four Year Plan. In this affidavit, in paragraph 2, Under-Secretary Koerner confirms that the defendant Krauch was appointed to the position in Goering's Raw Materials and Currency Staff at the suggestion of Voegler, the head of the German Vereinigte Stahlwerke, who had discussed this matter with Karl Bosch, the chairman of the Vorstand of I.G. Farben.

I will not quote any more from this document, but may I be permitted to revert to this document later on?

The next document, NI-9767, which I want to offer in evidence as Prosecution Exhibit 403, and which can be found on page 76 of this document book and on page 1 of the German Document Book 25, is an affidavit of Dr. Erich Gritzbach, who was the Chief of Staff of the Prussian Minister President--that is Goering. In this affidavit Gritzbach points out, in the last paragraph of page 1 of his affidavit, that on the recommendation of Karl Bosch Goering appointed Krauch to the Four Year Plan.

DR. DIX (Counsel for defendant Schneider): I very much regret that we had to leave this court room at various times in order to find the proper document books and get them here. We had only brought along the next copy, Document Book No. 19. Then we heard that the English and the German document books were not synchronized and that we should bring along Document Book 26 -- at least that was what I was told. Now, I had to get Volume No. 24 -- and now I hear that we are jumping to Volume No. 25.

The Tribunal has already said that it is not easy to follow all these

documents, but in a case like this it is virtually impossible to follow them. In future, would you please ask the Prosecution to see to it that two editions of the document-books should be synchronized? If, exceptionally, some irregularities should occur, this should be told us beforehand.

THE PRESIDENT: I am sure that Counsel for the Prosecution will do all that they can to obviate these troublesome matters, and I may say to Counsel for the Defense: if again you find yourself in the court room without your books, confronted by an emergency, if you will so inform the Tribunal, we shall recess until you have an opportunity to bring your books into the court. You may continue, Mr. Prosecutor.

MR. CHARMATZ: Thank you, Your Honor.

The next document which I want to introduce as Prosecution Exhibit 404 is NI-6525--I am sorry: NI-6525 was offered in evidence before and was marked Exhibit No. 280. Therefore, NI-6525 should be marked as Exhibit 280.

THE PRESIDENT: Will you please confirm the exhibit number?

MR. CHARMATZ: Exhibit No. 280.

This document was contained in Document Book 11 in which all personal affidavits of the defendants were introduced. This is on page 79 of the English text, page 1 of the German Document Book 19. In this affidavit the defendant Krauch states that he joined Goering's staff for raw materials and foreign currency in 1936. May I draw Your Honors' attention, in about the middle of the page 79, a sentence begins.... "In 1930 I joined Goering's staff." It should read "1936". Could Your Honors find this sentence? It is about in the middle of page 79 of the English document book.

In 1936 I joined Goering's staff for Raw Materials and Foreign Currency.

DR. GIERLIGS: (Counsel for the defendant Dr. Schmitz):

Your Honor, unfortunately I am not in a position to follow this manner of presentation of evidence. I find my place which is at my disposal loaded with Document Books and yet I don't find everything which I actually need in front of me. We have Vol. 19 and 24, which we had to divide into two parts because it was too extensive, and also Vol. 25. We had to use these three volumes within the last 15 minutes. I should be very grateful if the Prosecution could tell us what German Document Books will be necessary during their presentation and if it would be possible for the Tribunal to recess for a little while so that the defense counsel will have a possibility to get all these documents books which will be necessary. Otherwise, it is not possible for us to follow the presentation of Document Books.

MR. SPRECHER: Your Honor, I regret to point out that this is a difficult situation for the defense but in this particular instance I can't help but feel it's invited. This morning in the first five minutes of this proceedings, I requested both Your Honors and defense counsel to bring certain documents into Court. At the same time I stated that we would be through with Document Book 15 before the pause. We had the pause and during the pause apparently defense counsel did not get the document books which we suggested that they bring immediately to Court.

THE PRESIDENT: In any event it does appear to the Tribunal that there is a bit of confusion with reference to the arrangement of the English and the German Document Books from which the prosecution is now offering exhibits. The Tribunal will rise at this time to give counsel for the prosecution and the defense an opportunity to get together and arrange a schedule of the exhibits which the prosecution proposes to offer at the afternoon session and in order that counsel for the defense may have the opportunity to have the books arranged and on their desks as the exhibits are offered. The Tribunal will now rise until 1:30 O'clock.
(A recess was taken)

AFTERNOON SESSION

THE MARSHAL: The Tribunal is again in session.

DR. BOETTCHER: Dr. Boettcher, Mr. President, with your permission I should like to announce that we have come to an agreement with the prosecution to the effect that at the end of each afternoon's session or when a morning session is the end of the day, they will announce what document books will be discussed the next day and we will be very grateful if the Tribunal would leave a few minutes at the end of the session for this announcement.

THE PRESIDENT: That arrangement will be helpful to the Tribunal as well as to counsel and we shall be very happy for the pleasure of co-operating with you to make it possible.

MR. CHARMATZ: May it please the Tribunal, the last document mentioned this morning was the documents in the English Document Book 19, NI-6525 which had been introduced before under Exhibit No. 280. The next document which I want to introduce in evidence is NI-5930 which I want to mark as Prosecution Exhibit 404 which can be found on page 82 of the English Document Book 19 and in the German Document Book 24, page 108. May I be permitted, your Honor, to pause here for a minute so counsel for the defense can find the document?

THE PRESIDENT: Very well.

MR. CHARMATZ: This document which can be found on page 82, German Document Book 24, page 108, is an original letter from Albert Voegler, the head of the German Vereinigte Stahlwerke, United Steel Works, to Mr. Krauch dated 10 August 1933, in which Voegler requests Dr. Krauch to get in touch with Mr. Milch, the State Secretary in the German Air Ministry. This document is introduced by the prosecution in order to show that the acquaintance of the defendant Krauch with the Air Ministry, with Goering's Air Ministry, from which later on many of the leading members went over to the Four Year Plan, dates as far back as 10 August 1933. Your Honors will recall that in the two exhibits which were introduced

this morning, namely, Exhibit 402, State Secretary Koerner also mentioned that the appointment of the defendant Krauch was made at the instigation of Albert Voegler, the head of the German Steel Trust.

May I draw the attention of your Honors to two documents which were introduced before, namely, the documents NI-4718, which was introduced as Exhibit No. 138, in which it was shown that the defendant Krauch had suggested to State Secretary Milch already in September 1933 a Four Year Plan for mineral oil. The second document NI-7123 which was introduced before here as Exhibit No. 90 and in which was shown that this Four Year Plan of the defendant Krauch, again the suggestion in September 1933, was handed over by State Secretary Milch to the competent authorities. The next document which I want to mark as Prosecution Exhibit 405 can be found on page 83 of the English Document Book. It's NI-5933 and it can be found in the German text in Document Book 19, page 4.

This document NI-5933, which is a letter of the defendant Krauch, dated 16 August 1935 to State Secretary Milch of the Air Ministry, is introduced solely for the purpose in order to show that the connection between the defendant Krauch and the leading personalities of the Reich Air Ministry continued also in later years before the defendant Krauch finally was appointed to Goering's staff in 1936. This document shows that in 1935, already Krauch acted as an expert in mineral oil questions for the Reich Air Ministry.

The next document NI-5932 which I want to mark as Prosecution Exhibit 406 can be found on page 86 of the English Document Book, in the German text Book 19, page 8. May I pause just a minute, please?

This document, which is a letter of the defendant Karl Krauch again to State Secretary Milch of the Reich Air Ministry shows that in December 1935 I. G. Farben, in particular Privy Councillor Bosch, the Chairman of the Vorstand of I. G. Farben, and the defendant Krauch were in close contact with the Reich Air Ministry and that there was a close connection.

May I pass to the next document? NI-5911, which I want to mark as Prosecution Exhibit 407. This can be found in the English text on page 87. In the German text in Book 24, page 110. May I point out that we established that in Spring or rather May 1936, the defendant Karl Krauch was appointed to Goering's Raw Materials and Foreign Currency Staff, the predecessor of the Four Year Plan? This document NI-5911 shows that in July 1936 at a meeting of the Technical Directors at Frankfurt-Hoechst, it was discussed that two members of I. G. Farben's Vermittlungsstelle W, namely Messrs. Dieckmann and Pfaundler -- I am sorry, your Honor, may I correct myself? Those were the gentlemen Ritter and Eckell of the Vermittlungsstelle W who had joined the staff of the Foreign Exchange Commissioner, that is, Goering's Staff, and in order to replace them in the Vermittlungsstelle W two new gentlemen, Messrs. Dieckmann and Pfaundler were appointed to the Vermittlungsstelle W.

The prosecution sees in this document that not only did the defendant Krauch himself join Goering's staff but he also took with him the two first collaborators, namely, Messrs. Ritter and Eckell.

The next document NI-4638 I want to mark as Prosecution Exhibit 408. It can be found on page 88 of the English text and in the German text, Book 19, page 83.

This document is a letter from I.G. Farben Sales Combine Chemicals of 2 November 1936 in which it is shown that the defendant Ter Herr had been notified by the defendant Haefliger that Herr Fleiger, who was a member of Goering's staff it will be shown in one of the charts which will be introduced later, Your Honors that Herr Fleiger had asked I.G. Farben for a chemist to help him. May I point out the last sentence of this document which shows that I.G. Farben attached great importance that nobody should be selected for such a job who would work against I.G. Farben for personal reasons.

The next document, which is NI 5591, which I want to mark as Prosecution Exhibit 409, can be found on page 89 of the English text and page 35 of Document Book 19 in the German text. This document likewise is introduced in order to show that also other members of I.G. Farben joined, as early as 1936, Goering's staff in order to help the measures which were described in the findings of the International Military Tribunal. This document is an excerpt of the official diary of Herr Koppler who was one of the most important members of the newly created Four Year Plan, and it shows that the defendant Bustefisch, as I quote:

"....of the Office for German Raw Materials and Synthetics reported to Koppler on mineral oil works which were, at that time, under construction."

May I point out that this office for German Raw Materials and Synthetics succeeded Goering's Raw Material Staff of which we have heard before.

The next document, NI 5391, which I mark as Prosecution Exhibit 410, can be found on page 91 of the English Document Book, German Text, Book 19, Page 111. 111. This document is also introduced in order to show that the, as is said in this document, office, which is the Office for German Raw Materials and Synthetics, again approached I.G. Farben for a technical specialist in the field of solvents. May I just point out that this document is the minute of a meeting of the technical directors in

Frankfurt-Hoechst of 15 November 1937.

If I may sum up the exhibits which I just offered in evidence, we tried to show that the defendant Krauch joined Goering's Raw Materials and Foreign Exchange Staff, which was transformed later into the Four Year Plan Office, and that also other defendants here and other members of I.G. Farben firm went over to same office and that the defendant Schmitz also cooperated in a very important part of his organization, namely the Advisory Committee on raw materials questions.

The next document, II 4955, which can be found on page 93 of this document book and in the German text in Book 25, page 6, is introduced for the purpose in order to show what the aim of the Four Year Plan was. This document, which was used before the International Military Tribunal as Dr. Schacht's defense Exhibit #48, is a memorandum which Hitler wrote in August 1936, in order to outline to Goering the purpose of the Four Year Plan which he wanted to introduce at the Reich Party Rally 1936. May I draw Your Honors' attention to page 94 of the document book, which is page 7 of the German document book 25. This is a statement by Albert Speer, defendant before the IMT, in which he says what this memorandum was. This memorandum which Hitler gave to Goering in August 1936, points out the basic aims of the Four Year Plan. May I just draw Your Honor's attention to some paragraphs of this rather lengthy document.

On page 97 of the English text, which is page 10 of the German text of Document Book 25, the second paragraph from the bottom, Hitler says:

"It is not the aim of this memorandum to prophesy the moment at which the untenable situation in Europe will reach the stage of open war."

On page 98 of the same document, which is page 12 of the German Document Book 25, Hitler stresses the military angle in the last two paragraphs of this page. I do not want to quote.

Also on page 99 of the English document book, page 12 of the German text, Book, the underlined sentence, which is underlined in the German original again shows how Hitler stressed the military angle in connection

with the projected Four Year Plan.

On page 101 of the English text, which is page 15 of the German Document Book, Hitler points out, and may I quote, under numeral 6 of this page.

"The definitive solution lies in an extension of our living space (Lebensraum), that is, an extension of the raw materials and food basis of our nation. It is the task of the political leadership to solve this question at some future time."

On the next page, 102, Hitler again stresses the war aims of his program and may I draw Your Honors' attention to the underlined sentence on page 102, under C, where Hitler says, and may I the German first. It is on page 16 of the German text. I quote:

"But above all it is absolutely impossible to do this....", which is restricting foreign currency, "...at the expense of the national armament..."

And, at the bottom of the page, the last sentence, Hitler again says:

"Much more important, however, is to prepare for the war during the peace."

May I be permitted to say here already that we will find this sentence again in Goerrin's later directives concerning the execution of the Four Year Plan.

THE PRESIDENT: Pardon me, counsel. I don't believe that you gave that exhibit a number.

MR. CHARLITZ: Yes, I beg your pardon, Your Honor. I want to mark this exhibit as 3411 - 411.

THE PRESIDENT: Thank you.

MR. CHARLITZ: Now I point out, on page 105 of the English text, which is page 17-B and 17-C of the German text, that Hitler pointed out that the German fuel, namely motor fuel, production must be developed with the utmost speed and brought to the definitive completion within eighteen months.

Hitler continues, I quote?

"This task must be handled and executed with the same determination as the waging of war."

Your Honors will hear in Section D of Count I on production that it was I.G. Farben which made this point of Hitler's program possible.

On the same page, namely 105, under numeral 4, which is the same page in the German text, Hitler also stresses the necessity of mass production of synthetic rubber. Here again the prosecution will try to prove in Section D of Count I that it was I.G. Farben which did everything to fulfill Hitler's program also in this respect.

I do not want to quote too much of this document. I just want to point out the last page of this document, page 113 of the English text, which is page 17-G in the German text. Hitler says, I quote:

"I herewith set the following tasks:

"1. The German army must be ready for combat within four years, and

"2. The German economy must be mobilized for war within four years."

This was the real purpose of the Four Year Plan and this also is stated in the findings of the International Military Tribunal which I quoted this morning.

The next document is EC 416 which I want to mark as Prosecution Exhibit 412 which Your Honors will find on page 114 of the English Document book and which can be found in the German text, Book 25, page 18. This document, which was a USA exhibit before the International Military Tribunal, namely, Exhibit #USA 635, is the secret minutes of a cabinet meeting on 4 September 1936. This again is the so-called small cabinet or small council of ministers, the same as we have seen in our Document PS 1301 which was Exhibit 401, on page 49 of Document Book 19. In this meeting of the Council of Ministers, at which again Goering, Field Marshal Blomberg, the Minister of War, Dr. Schacht, and Dr. Krauch's superiors, Koerner and Lt. Col. Loeb, were present, Goering read to this council the memorandum of the Fuehrer. This is on page 115 of the English Document Book, which can be found on page 20 of the German Document book 25. At about the middle of the page, indented, Your Honors will find the sentence:

"The Colonel General reads the memorandum of the Fuehrer."

In this document Goering pointed out, as we see in the second paragraph, further down, Goering said:

"If war should break out tomorrow, we would be forced to take measures from which we might possibly still shy away at the present moment. They are, therefore, to be taken."

And, on the next page, page 116 of the English text which is page 21 of the German text, Goering says and I quote:

"All measures have to be taken as if we were actually in the stage of imminent danger of war."

These two documents were introduced by the - or offered in evidence by the prosecution in order to show what the ultimate aim of the Four Year Plan was.

May I now revert to the Document FS 1301, which is Exhibit 401, on page 58 of your document book, Your Honors, which is the German Document Book 24, pages 50 and 51. May I just pause for a minute?

THE PRESIDENT: Certainly.

MR. CHARWATZ: On page 58, Your Honors will find a note for the files of General Thomas, the head of the military economics and armaments staff of the OKW, the German High Command, and in this note for the files, Thomas says that President Schacht had called him and requested him to forward to the Minister of War, and I quote the second paragraph:

"Schacht returned from the Fuehrer with the greatest anxiety since he could not agree to the economic program planned by the Fuehrer."

And the last paragraph before the signature of General Thomas says:

"President Schacht concluded that he again requests urgently to listen to this warning and that he forwards it to the Minister of War as he will not participate in tomorrow's conference."

This document, the prosecution claims, shows that Dr. Schacht, the Minister of Economics, and an outstanding economics expert, saw clearly the danger of this Four Year Plan which Hitler wanted or was going to announce a few days later and that he warned the Minister of War urgently to also point out to the Fuehrer that this might be interpreted as a challenge to foreign powers as is shown in the text of this document.

May I now continue with the next document, which is III 8459, which

I want to mark as Prosecution Exhibit 413, which can be found on page 117 of the English Document book, and in the German Document Book 19, on page 9. This documentThe Exhibit number is 413. This document is an excerpt from the Voelkischer Beobachter, the official Party newspaper, containing excerpts from Hitler's speech at the Reich Party Rally in September, 1936, announcing the Four Year Plan. May I just point out that in this speech Hitler stressed the importance of rearmament and also, as is shown on page 118 of the English document book which is page 11 of the German text, that at the same time, that is after the break in the middle of the page, at the same time, when this so-called economic program was published, Hitler also announced that the two year period of military service would be introduced in the German army without delay.

The next document, which is NI 4471, on page 120 of the English document book, German Document Book 24, page 111. May I mark this as Exhibit #414. This document is the minute of a conference, as is shown on page 120, 111 of the German text, of a conference on the Government oil program, held in Berlin on 6 October 1936, at such and such a time, in the Laenderbank. May I be permitted to point out, Your Honors, that here, about less than a month after the public announcement of the Four Year Plan, in which the oil program was stressed so much, at the Laenderbank, which is the building of I. G. Farben in Berlin, a meeting concerning the oil program of the Government was held. May I point out on page 120, the list of persons present show, among others, also the defendant Eustefisch of I. G. Farben. I'm not going to read anything from the document. The prosecution only thinks it's significant that a discussion of the Government's oil program was held at the I. G. Farben building.

May I now pass over to the second document PS 2071, skip EC 373 for the moment, and mark this as Prosecution Exhibit 415. This document can be found on page 138 of the English document book and in the German text, Document Book 19, page 36. This is Exhibit #415. This document is

an excerpt from the German official gazette, the Reichsgesetzblatt, of 18 October 1936, in which Hitler announced the appointment of Minister President Colonel General Goering as Commissioner of the Four Year Plan.

The next documents are introduced primarily for the purpose to show that the Four Year Plan was a plan for military economy, and may I now offer EC 373, as Prosecution Exhibit 416. This can be found on page 129 of the English document book and, in the German text, in Book 19, page 15. This document is a lecture delivered by General Thomas, the Chief of the Military Economic Staff of OKW, on 24 November 1936, that is, shortly after the publication of the Four Year Plan, and at the Reich Chamber of Labor, which was a body of the German Labor Front, where also representatives of employers' associations were present. In this speech, General Thomas pronounced a very significant sentence which can be found on page 136 of the English document book, which is 24 of the German text. Here, about at the middle of the page, General Thomas states: It's just above the words "page 22 of the original":

"Gentlemen: The Four Year Plan is military economy at its purest. Let us rejoice and be thankful that the Fuehrer is making use of the well tried energy and capacity for hard work of Colonel General Goering to close this gap in our military economy."

This document was introduced, as stated before, in order to show how, at the time of the publication of the Four Year Plan, this plan was regarded by outstanding military economic experts.

The next document PS-3324, which I want to mark as exhibit 416- I am sorry 417 - it is exhibit 417. This document, which can be found on page 139 of the English text and in the German book No. 25 on page 23, was introduced before the I.M.T., the International Military Tribunal, as the United States Exhibit 661. This document, which contains excerpts from a speech made by the then Minister of Economics Funk of 14 October 1939, that is shortly after the outbreak of the war, stresses likewise the importance of the Four Year Plan for the economic preparation of the war. May I draw Your Honor's attention to the first sentence on page 140 of the English text, which can be found at the bottom of page 25 in the German Text.

May I now continue with English document book No. 20, on page 1 of the English document book 20 and in the German book 19, page 96, we find the document EC-244, which was an exhibit in the case before the International Military Tribunal, namely U. S. Exhibit 641. This document is a letter of VonBlomberg - Field Marshal VonBlomberg. I want to mark this as exhibit 418 with Your Honors' permission. This letter from Field Marshal VonBlomberg, addressed to Hitler on 22 February 1937, also shows clearly the military purposes of the Four Year Plan. May I be permitted to quote the fourth paragraph of this document? I quote, it is Blomberg writing to Hitler:

"The Four Year Plan has as its object, with regard to economic rearmament, to clear all bottlenecks within this program now, that is in time of peace. Especially the proposals to secure Germany's own needs for ore, fuel and rubber are of greatest significance from the point of view of a war economy."

The rest of the document deals with the question of the delimitation of the authority or jurisdiction of Goering as commissioner of the Four Year Plan and of Schecht, Dr. Schacht, as plenipotentiary general for economy, which in the documents, the German documents, usually is shortened as G.B.W. We will find some documents later on

the same question.

The next document NI-5667, which I want to mark as prosecution exhibit 419, is likewise introduced in order to show that the Four Year Plan was considered by the experts as a plan of military economy. This document, which can be seen on page 2 of the English document book 20 and in the German text in book 19, page 37, is an article in the "Military Economic News," which was a secret publication of the German High Command.

At the bottom of the page, Your Honors will see the title of this article, which reads:

"FROM MILITARY ECONOMY AND ARMAMENT OFFICE..." It is in block letters. "WEHRWIRTSCHAFTS - UND RUESTUNGSAMT) TO MILITARY ECONOMIC STAFF (WEHRWIRTSCHAFTSSTAB.)"

The name of the authority was omitted in the English mimeograph. It says here: "Development and Present-day Tasks by Colonel of General Staff." And now the name Beutler should come in. May I spell it, B-e-u-t-l-e-r. The German text contains this name, it is only omitted in the English text. In this this article, Colonel Beutler, a member of the Armament staff, points out, and may I draw Your Honors' attention to page 4 of document book 20, which is the German document book 19, page 42. May I quote one sentence in the last part of this document?

"The military economic effort now found its strongest expression in the development of the Four Year Plan, in which the strong personality of Reich Marshal Goering helped the will of the Military Economy (Wehrwirtschaft) finally to win through."

This article was written, as is shown on page 2, in May of 1943, that is considerably later, whereas the documents which I offered all were more or less dated from the time when the Four Year Plan was published.

The next document NI-5746, which I want to mark as prosecution exhibit 420, can be found on page 6 of the English text and in the German

text in book 24, page 120. This document, which is the minutes of one of the I.G. Farben daily staff meetings in Berlin on 7 December, 1937, shows on page 7 of this book, under No. 5 that Herr Keppler, as was said before an outstanding member of the Four Year Plan, approached I.G. Farben for information through the defendant Gattineau for his purposes.

May I also point out that Wilhelm Keppler, as was stated before here, was the economic advisor to Hitler.

The next documents, Your Honors, are introduced in order to cover the allegations of paragraph 28 of the Indictment.

May I introduce NI-051 as prosecution exhibit 421 with Your Honors' permission. This can be found on page 9 of the English document book and in the German text book 25, page 33. This document is the minutes of a speech of Goering on the execution of the Four Year Plan on 17 December, 1936, that is about three months after the announcement of the Four Year Plan. This speech, which was made before the most important German industrialists, and we will see later on that some of the defendants were present when this speech was delivered. In this speech Goering informed the industrialists of the aims of the Four Year Plan and Your Honors will note how much this resembles the original memorandum by Hitler, which was introduced here before. It was NI-4955 and introduced as exhibit No. 411. May I just point out two short excerpts of this speech, namely on Page 10 in the last paragraph, which can be found in the German text document book 25, page 36. May I quote;

"The struggle which we are approaching demands a colossal measure of productive ability. No end of the re-armament can be in sight. The only deciding point in this case is: victory or destruction. If we win, then business will be sufficiently compensated."

Your Honors will have noted that I substituted the word "business" for the word "economy". I think the translation is more correct. And may I quote on page 13, that is page 41 of the German text, the last

paragraph of the speech or report on that:

"In closing GOERING demanded unrestricted utilization of all power in the whole economic field. All selfish interests must be put aside. Our whole nation is at stake. We live in a time when the final dispute is in sight. We are already on the threshold of mobilization and are at war, only the guns are not yet being fired."

At this speech, three of the defendants in the dock were present.

May I offer in evidence the next document NI-5955, which I want to mark as prosecution exhibit 422, it can be found on page 14 of the English text and in the German text book 19, page 87. This document is an affidavit of Paul Koerner, as was stated this morning, secretary of State in the Four Year Plan and may I quote the two paragraphs:

"On 17 December 1936 Hermann Goering delivered an address in the large meeting room of the Preussenhaus, to the leading industrialists and economists; this address lasted about an hour. Immediately thereafter Adolf Hitler spoke."

Paragraph 2: "All the leading personalities of the totality of German industry and economy, altogether about 100 persons, were present for this address, among them also Dr. Bosch and Dr. Krauch, as two representatives of I.G. Farben."

The next document, Your Honors, is NI-4192, which I want to mark as prosecution exhibit 423. It can be found on page 15 of the English document book and in the German text book 19, page 89. This document is an extract from the minutes of the meeting of the so-called Enlarged Farben Committee- Dyestuffs Committee, of December, 1936, that is five days after the speech delivered by Goering.

On page 15 and may I read these few sentences here, Your Honors, under No. 1. The heading of this meeting is:

"Herr von Schnitzler gave a highly confidential report about the statements made by the Fuehrer and Reich Chancellor as well as by the Minister President General (Generaloberst) Goering on 17 of this month in Berlin concerning the tasks of the German Economy in the execution of the Four Year Plan."

This document is introduced in order to show that the text, or rather the contents of the Goering speech and also of Hitlers speech, of which however we do not have the transcript or a report, were reported by one of the defendants, Herr von Schnitzler, to one of the governing boards or important boards of I.G. Farben as in this case

the Enlarged Dyestuffs Committee. Your Honors will see that, besides Dr. Von Schnitzler, also the defendant TanMeer was present. May I just point out that the affidavit by the State Secretary Koerner does not contain the name of the defendant Von Schnitzler, because apparently he did not remember his presence, however, from this document the prosecution deduces that the defendant Schnitzler was also present at this speech and communicated to the other members of I.G. Farben the contents of Hitler and Goering's speeches.

The next document, which is EC-167, which I want to mark as a prosecution exhibit 424, can be found on page 17 of the English text page 93 of the German document book 19. This document is introduced in order to cover the allegations of paragraph 29 of the Indictment. This document EC-167 is a secret letter of the Reich War Minister to Dr. Schacht, dated January, 1937, and it shows that also the field of agriculture, which was originally one of the fields of the Four Year Plan, was considered at that time shortly after the announcement of the Four Year Plan also from the point of view of mobilization for war. May I point out the first paragraph of this letter on page 17.

The next document is NI-4706, which I want to mark as prosecution exhibit 425, it can be found on page 19 of the English document book and in the German book 25, page 42. This document is a chart of the organization of Goering as Commissioner for the Four Year Plan. This chart was found in I.G. Farben's files and may I point out to Your Honors in the fourth line of this chart under Roman numeral III, Your Honors will find the name of the defendant Dr. Krauch as in charge of the department for Research and Development of the Central Department of the whole Four Year Plan, namely 1-A, as shown in the center of this chart, which was under the leadership of Colonel Loeb, whose name we have seen in many of the documents introduced before.

May I furthermore point out that under Dr. Krauch, to the right, Your Honors will find the name of Dr. Ritter in charge of Chemistry and under the department IV, which is the execution of contracts, etc. which was immediately subordinated to Colonel Loeb, the name of Dr. Eckell again in charge of Chemistry.

Your Honors will recall that these two gentlemen were transferred from I.G. Farben's Vermittlungsstelle-W in July of 1936 to Goering's staff for raw material and foreign currency and these two gentlemen can be found now also after the official announcement of the Four Year Plan in charge of the sections for chemistry.

The next document, which is III-4703, I want to mark as prosecution exhibit 426. This can be found on page 20 of the English document book, in the German text document book 25, page 44. May I point out to Your Honors that this chart is only the middle piece of a larger chart, which Your Honors will find in German at the end of your document book. There is a photostat at the end of your document book, Your Honors, which is only in the German language. For mechanical difficulties we could not reproduce the entire chart in English, however, in order not to create a wrong impression we added the complete photostat of the original German chart to your document book. However, we translated only the middle piece of this chart, which is concerned with the organization of the defendant Krauch within the Four Year Plan.

Your Honors will note that the defendant Krauch, whose name can be found in the middle of this photostat, as in charge of the Department for Research and Development, had several groups and sub-groups under his command which covered practically the entire German raw material problem. May I only point out that this chart was found in the files of I. G. Farben, Berlin, the Purchase Department, and that it shows the organization of the Four Year Plan as of 1 August 1937. We will revert to this chart in the case of the individual responsibility of the defendant Krauch.

May I be permitted to make some remarks before I offer in evidence the next two affidavits. The next two documents, NI-10035 and 10036, are affidavits by Dr. Werner Hagert, formerly employed in the Economics Group Chemical Industry in the Mobilization Department, in which the affiant analyzes the official schedule of the Four Year Plan.

In Document Book XXIII your Honors will find a very bulky document which is the schedule for the Four Year Plan as of May, 1937. Your Honors will have noted that these are very complicated charts, and may I be permitted to mark this document of Document Book XXIII which is EC-281 for identification only as NI-427. May I repeat. In Document Book XXIII which consists only of one bulky document, namely, EC-281, your Honors will find the official schedule of the Four Year Plan. I want to mark this document only for identification at this moment and introduce or offer formally in evidence only the two affidavits. If, however, your Honors or Counsel for the Defense should wish that this very complicated document should be formally offered in evidence, we will be glad to do so.

THE PRESIDENT: Counsel, let me verify this. You are referring now to Document Book XXIII?

MR. CHARMATZ: Yes, your Honor.

THE PRESIDENT: Document NI-427?

MR. CHARMATZ: No, sir.

THE PRESIDENT: I mean Exhibit No. 427?

MR. CHARMATZ: Yes, sir.

THE PRESIDENT: Document No. EC --

MR. CHARMATZ: 281.

THE PRESIDENT: 281. Thank you.

MR. CHARMATZ: May I inquire whether your Honors have this document in front of you?

THE PRESIDENT: I don't believe that either of us have that book here. They are in our offices. They have been delivered to us, but we didn't bring them to the courtroom.

MR. CHARMATZ: May I hand this to the Secretary General.

THE PRESIDENT: I believe that it would be better to wait a moment and let those books be brought to us, and then we will not have any confusion in the marking of the exhibit and have it before us during the discussion of the matter.

MR. CHARMATZ: Very well, your Honor.

THE PRESIDENT: Now, Counsel, do we understand that Document Book XXIII consists of only one document?

MR. CHARMATZ: That is right.

THE PRESIDENT: Which is to bear Exhibit No. 427?

MR. CHARMATZ: That is right, your Honor.

I do not know whether I was clear enough, Your Honor. We do not want to have too many long documents in evidence. If no question should come up as to the correctness of the next two affidavits, we want to see this document only numbered for reference. If, however, any question should come up, we will change our procedure and offer this document formally in evidence.

THE PRESIDENT: We understand your position.

MR. CHARMATZ: Thank you very much, your Honor.

The next two documents: the first, NI-10035, which I want to mark as Prosecution Exhibit 428, is an affidavit of Dr. Hagert in which he analyzes this document, EC-281, and another document, NI-6767, and makes

a survey of the participation of I.G. Farben in the Four Year Plan. May I point out to your Honors on page 22 of the English document book which are pages 100 and 100-a of Document Book XIX in the German language your Honors will see at the right of the page I. G. Farben's share in the total German program expressed in percentage. We will revert to this document in our Section D on Production:

May I at this moment only point out on page 24 of the English text which is page 101 of the German text the first paragraph, and may I quote this paragraph.

"As can be seen from the comparison of the totals recorded in columns 4 and 5, I. G.'s share in the total of money to be invested in the above chemical products amounts to 72.7%. If mineral oils are excluded from the table given above, as being not a strictly chemical product, I.G.'s share in the planned strictly chemical total investments amounts to 85.7%."

The next document, NI --

DR. BOETTCHER: Dr. Boettcher.

Your Honors, the Defense considers it important that the Document Book XXIII, Exhibit 427, be offered not merely for identification but formally in evidence since the Defense intends to cross examine the witness, Hagert, on this document.

MR. CHARNATZ: Well, there are no comments on the part of the Prosecution, your Honor.

THE PRESIDENT: The Tribunal is not clear as to whether it understands the situation. Is it the representation of the Prosecution that the calculations contained in Documents NI-10035 and NI-10036 are the conclusions of the affiant, Dr. Hagert, from the data contained in the document which has been marked for identification only as Exhibit 427? Is that the correct situation?

MR. CHARNATZ: Yes, your Honor. There is only one thing that in one case also in Document NI-10035 which is stated expressly here reference was made to another document, NI-6769, which was not marked for identification.

THE PRESIDENT: Then you have a situation where you are offering the conclusions of the affiant from the document marked for identification, Exhibit 427, and another document.

MR. CHARMATZ: Yes, your Honor.

THE PRESIDENT: If as Counsel for the Defense suggests, Dr. Hagert is to be a witness and is to be examined and cross examined, it would occur to us that it would perhaps lead to less confusion to offer your identified document, Exhibit No. 427, even at the risk of intentionally burdening your record. Don't you think that is true?

MR. CHARMATZ: Very well, your Honor. I was just afraid to burden the record too much and that was the only aim of the Prosecution.

THE PRESIDENT: Very well; we understand the situation, and certainly under these circumstances the Prosecution would not be subject to criticism for offering the exhibit into evidence.

MR. CHARMATZ: Thank you, your Honor. I, therefore, offer the document, EC-281, contained in Document Book XXIII in evidence as Exhibit 427.

The next document, NI-10036, which I want to mark as Prosecution Exhibit 429 can be found on page 25 of the English document book, in the German text book XIX, page 102, and this is another affidavit of Dr. Werner Hagert in which he analyzes another aspect of this schedule for the Four Year Plan as of May 1937, namely, the investments from Reich means as shown on page 27 of the document EC-281. This is shown in paragraph 2 under Numeral II on page 25. Here again the affiant analyzes an excerpt from this document EC-281, and may I be permitted to point out to your Honors two paragraphs on page 26 of the English document book which says:

"It follows that the projected investments for chemical production amounted to 91.5% of the total investments to be made under the Four Year Plan." (As of May, 1937.) May I continue now: "As can be seen from the other affidavit sworn to by me under today's date and marked Document NO. NI-10035, the share of I. G. in the investments for the

chemical side of the Four Year Plan amounts to 72.7%.

"It follows that 66.5% of all amounts to be spent under the Four Year Plan for the entire German industry during the period from 23 October 1936 to 20 May 1937 were to be used for I.G. Farbenindustrie projects."

I beg your pardon, your Honors, for the interruption! It was pointed out to me that Dr. von Metzler raised the question about the document, NI-6769, which is mentioned in Exhibit 428 which is NI-10035, the first affidavit of Dr. Hagert. This document was not introduced here and not marked for identification since this document is even bulkier than the first document, but I think if the Prosecution will turn over the original German document to the Defense and give them enough time to study it, they may fulfill their purpose by studying before cross examining Dr. Hagert.

THE PRESIDENT: If you would do that, we will see what develops and it may avoid encumbering the record with a bulky document. If it does become pertinent and necessary, of course, we will receive the document, but in the meantime perhaps that will suffice.

May I ask you, Mr. Prosecutor, are you about now to pass to another exhibit?

MR. CHARNATZ: Yes, your Honor.

THE PRESIDENT: We have run over our time for our afternoon recess, and will rise at this time.

(A recess was taken.)

THE MARSHAL: Persons in the court room will be seated.

The Tribunal is again in session.

DR. REINTGES (Counsel for defendant Buetevisch): Your Honors, I have one more remark to make in connection with Document NI-4471 which was offered as Exhibit 444. In this document I have found out by looking over the copy of the Prosecution that we are concerned with a simple typewritten copy. The document bears no official letterhead; it bears no signature; neither does it bear any initial. It was dated Essen, 8th of October, 1936. One cannot see from that who was the author of that document. Since Essen is indicated, one can assume that at least none of the official agencies — the raw materials agency or the economic group—has written that document. But not bearing a signature and constituting only an uncertified copy, it can have no probative value whatsoever as far as I can judge. It is important to remark upon these points because the Prosecution believes that they can deduce from the fact that this conference took place at Landerbank building, in Berlin, that we are here concerned with a particularly remarkable cooperation between the I. G. and other agencies which were also interested in oil. As to that assertion, the Defense can only define its attitude if they know who initiated that conference and who was the author of that document, the only document to certify that a conference took place.

I think that this document cannot be admitted under the heading which the Prosecution has submitted it.

THE PRESIDENT: We will hear the Prosecution.

MR. SPRECHER: Your Honors, the document in question we feel is admissible as a captured document under the normal rules prevailing concerning such documents, both before the American military tribunals and before the I.M.T.

I It seems to me that this case is particularly a case where we do not possibly have any great problem. These are captured minutes of a conference held in the Laenderbank, which was inside the Farben building

in Berlin at which the defendant Bueteifisch was present. If, at a proper time, the defendant Bueteifisch wants to say that no such conference was held, we should be very glad to hear from the defendant at that time concerning the point. If the defendant Bueteifisch at that time wants to indicate that these minutes were inaccurate, we should be very glad to hear from him at that time.

But we see nothing unusual about this document. Captured documents found by the Allied Forces as they over-ran Germany were not the top copy but rather the bottom copies of the documents, and when they were found in appropriate files of the enemy they have been used time and time again in these proceedings.

If you want some references, Your Honors, I should be glad to furnish more specific examples -- but I think that that would be burdening the record. I have several available.

DR. REINTGES: Your Honors, I don't believe the point is whether this document will remain among the evidence which was submitted by the Prosecution, but I think it is important to clarify that, owing to the reasons which I have just stated, taken itself this document can have no probative value whatsoever since neither the origin nor the author of this document can be deduced therefrom. If, in spite of that, the Prosecution considers this document as being admissible into evidence here, it is up to the discretion of the Tribunal to make that decision.

THE PRESIDENT: Assuming, as has been stated, that this is a document which was found in the offices of the Farben enterprise and is generally classified as a captured document; bearing in mind that on the face of the document it does purport to be minutes of a meeting or a conference -- the Tribunal is of the opinion that under the established practice it is admissible and that the objections that have been urged against it by counsel for the defendant go to the weight that should be attached to the document in the final analysis by the Tribunal.

And of course it is true that at his election the defendant referred to therein may, if he sees fit, deny or explain or challenge the authenticity of the document.

It is also necessary for us to repeat what we have already said: that many documents that may appear to have little weight at the time they are offered may be entitled to more weight when all of the evidence has been heard and all of the different threads of the evidence are put together.

For those reasons, the motion to reject the admission of the exhibit is overruled.

DR. REINTGES: Your Honors, let me correct one matter for the record. As I understood the representative of the Prosecution, this document was not found among the files of the I. G. Farbenindustrie, but elsewhere.

THE PRESIDENT: If the Tribunal misunderstood the Prosecution in that respect, we will be very happy to afford him an opportunity to make a correction.

MR. CHARMATZ: Your Honors misunderstood the Prosecution since we did not make a statement that it was found in the I. G. Farben files. It was found in the files of the Anhaltische Kohlenwerke, which was the Anhalt Coal Mines Factories. But this does not change anything, that it is a captured document in the original form as it was found.

THE PRESIDENT: Then it would be our view that what was said with reference to the objection going to the matter of weight — rather than admissibility — would stand.

The objection is overruled.

MR. CHARMATZ: May I continue now, with Your Honors' permission, with the presentation of Document Book No. 20?

The next document, NI-5899, which I want to mark as Prosecution Exhibit 430, can be found on page 27 of the English document book and in the German text in Book 19, page 105.

May I point out, Your Honors, that in the English translation one paragraph which appears to be significant to the Prosecution has been omitted? May I, therefore, be permitted to explain this document in another session?

THE PRESIDENT: Very well.

MR. CHARMATZ: I just want to mark it now. It is complete in the German text, and the original exhibit also is complete, Your Honors.

The next document, NI-6709, I want to mark as Prosecution Exhibit 431. This can be found on page 28 of the English document book; in the German text in Book 19, page 112, 1-1-2.

This document is an article by Col. Loeb, the chief of the Office for Raw Materials & Synthetics, contained in the official bi-monthly review of the Four Year Plan; and the date which is not shown from the English translation is January 1937. The first part and the first issue of this review appeared in January 1937.

May I point out that here the chief of the office for German Raw Materials & Synthetics, of which the defendant Krauch headed the Department III, as was seen before, in charge of research and development. The tasks of this office are described therein; and may I just point out on page 30 of the English text, page 117 of the German text; it is the second paragraph on page 30, Col. Loeb himself gives a description of the defendant Krauch's section of research and development.

May I point out another passage of this document, on page 31 of the English text, page 119 of the German text? Here again we see the connection of the Four Year Plan with war. May I quote the last two sentences of the first paragraph, on page 31?

"We must so arrange it that such a surprise attack will not be able to paralyze us in fields which are important for existence and for carrying on war. The measures necessary for this are an added obligation to which the plants of the Four Year Plan are subject in the same measure as the plants of the immediate armaments industry."

The next document which is listed in the index of Document Book 20, namely, NI-8590, was offered in evidence before and was given the Exhibit No. 130, 1-3-0. Your Honors will remember -- and we added here another English copy of this document -- that the German Secretary of State in the Ministry of Agriculture, Backe, B-a-c-k-e-, made a note in the margin of the report by which he received from Col. Loeb on the activities of the Four Year Plan during the first year of its existence-- as will be seen on page 33 of your document book -- that when the question was of the closest possible cooperation of the Reich and Party offices with industrial economy, State Secretary Backe put in the margin of this document "I. G. Farben" in order to stress that he considered I. G. Farben as the factor in the industrial economy to attain this aim of the Four Year Plan.

The question was put to me whether the document was introduced before.
I think I made myself clear.

THE PRESIDENT: We so understood.

MR. CHARMATZ: The next document, which is NI-084, which can be found on page 39, and in the German Document Book 19, page 123, is introduced by the prosecution for the purpose of showing that the defendant Krauch, as is alleged in the indictment in paragraph 29, also participated in conferences of the Four-Year-Plan concerned with other matters than research and development and chemicals. This document, which I want to mark as Exhibit 432, consists of the Minutes of a conference held on 16 June 1937 in Berlin, and in this meeting in June, 1937, as has already been stressed in the opening speech, it was pointed out that certain exports would help the enemy, and that certain important products must not be exported to certain countries. May I point out, on Page 42 of the English text -- it can be found on Page 135 of the German Document Book 19 -- it says, in the lower half of the page:

"The export (namely, of iron) may easily lead to the facilitation of armament of the enemy."

And on page 43, which is page 145 of the German text, we find another sentence:

"In regards to the shipments of iron to the so-called enemy countries like England, France, Belgium, Russia and Czechoslovakia, only 6% of our export goes there."

Here again we find in the year 1937 in a conference of the Four-Year-Plan where the defendant Krauch, together with his superior Colonel Loeb, participated - as is shown on page 39, that certain export questions were considered from the point of view of war.

May I ask the Tribunal to take judicial notice of a certain reorganization in the German economic administration which took place between November 1937 and February 1938. I will introduce documents to substantiate them. Your Honors may see from the findings of the International Military Tribunal that in the second half of the year 1937

Dr. Schacht was losing his grip on German economy and rearmament and that gradually Goering took over.

May I now introduce the next document, NI-1280, and mark it as Prosecution Exhibit 433, page 44 of the English Document Book; in the German Document Book 19, page 148. This is an excerpt from an official review of the Four-Year-Plan, as I pointed out before, and it is an announcement of Hermann Goering in which he stresses the importance of the reorganization which took place in February 1938. May I read just the first sentence of this document:

"The most intensive concentration of all political, military and economic forces, ordered by the Fuehrer and assembled in his hands, insistently demanded dictatorial measures that would ensure a homogeneously directed economy."

I do not want to quote any further, but may I point out that in February 1938, as is shown from the next document, Hermann Goering, who was at that time -- between November 1937 and February 1938 -- Acting Chairman, Minister of Economics, transferred all his key personnel of his office of the Four-Year-Plan to the Ministry of Economics. The purpose of this move is shown by the first sentence of this paragraph. May I ask the Tribunal to take judicial notice that at this time also a very significant other move took place in the Third Reich, on the same day -- namely, the removal of Field Marshal von Blomberg from the post as Minister of War, and the removal of General von Fritsch, the commander of the German Army; and on the same day also the Minister of Foreign Affairs, von Neurath, was replaced by von Ribbentrop.

The next document, NI-135, which I want to mark as Prosecution Exhibit 434, may be found on page 45 of the English Document Book, in the German text, Document Book 24, page 128. This document is an excerpt from the Voelkischer Beobachter dated 5 February 1938, the official paper of the NSDAP, in which the reorganization of the Ministry of Economics by Goering, and the appointment of the new key officials, is described. May I draw Your Honor's attention to page 46 of the

English Document Book, which is page 129 of the German text. In the second half of this page we see the appointments made by Goering. May I again ask the Tribunal to take judicial notice that Hermann Goering, before he turned over the Ministry of Economics to Walter Funk, who took over the Ministry of Economics on 6 February - that before he turned it over he placed all his trusted officials from the Four-Year-Plan in the newly organized Ministry of Economics. May I draw your Honor's attention, on page 46, to the names of the newly appointed persons. Here we see the Air Force Major General Loeb. He was appointed as head of Main Department I, and Loeb was formerly Chief of the Office of German Raw and Synthetic Materials at the commission of the Four-Year-Plan.

The next man appointed as head of Main Department II again is a former plenipotentiary general for iron and steel, at the commission of the Four-Year-Plan, General von Hanneken, the same gentleman who will take the witness stand in the near future.

Further down, Statsrat (State Councillor) Schmeer - to head the Main Department III - again from the Four-Year-Plan.

At the bottom of page as Head of Main Department V again we find Major von Jagwitz from Goering's Four-Year-Plan. At the top of page 47, nearly the whole page of 47, shows that all the persons appointed to these key positions in the Ministry of Economics were formerly employed in the Four-Year-Plan. I stress this so much, your Honors, because we will see in the next document which is NI-523, which I want to mark as Exhibit 435, that the defendant Krauch, who worked at that time in the Reich Office for Economic Development, was subordinated to the Ministry of Economics. I am sorry, your Honor, I forgot to say where this document can be found. It's in the English Document Book, page 49. In the German Document Book 20, page 1. This document NI-523 is a table of organization of the Reich Ministry of Economics as of February 1938. That's after the re-organization of the Ministry of Economics by Goering as we have seen in the document before and the purpose of this move was explained in another document before, NI-1280.

May I point out on page 50 of the English Document Book which is page one and two in the German Document Book, we see three offices which are attached to the Ministry of Economics. Number 1, the Reich Office for Economic Development which took over most of the tasks of the former Reich Office for German Raw Materials and synthetics of the Four-Year-Plan. Under this Reich Office we see as Chief of the First Department of Research and Development the defendant Krauch.

May I point out on page 51, the next page under the numeral 3, we find that the Chief of the Second Department of this Reich Office for Economic development, Major Geist, was transferred shortly after this re-organization to the Reich Ministry of Economics proper and that the functions of this second office were divided up between several persons. One of them is Dr. Eckell of whom we heard before, a man who was brought to this organization by Dr. Krauch from I. G. Farben.

We are now approaching the critical time of Summer 1938. May I ask the Tribunal to take judicial notice of the findings of the Inter-

national Military Tribunal which can be found in Vol. 1 of the International Military Tribunal on page 195 and 196 where the preparation for the seizure, the invasion of Czechoslovakia is described in detail by the International Military Tribunal. This I do not want to quote from this. I just want to point out that in May, June and July and August of 1938 all preparations were made both in the political and in the economic field to invade Czechoslovakia.

The next document which your Honors will find on page 52 of the English text and which can be found in the German text, Book 20, page 5, is the document NI-8799 which I want to mark as Exhibit 436. May I just point out, your Honors, that the document which I want to offer now in evidence will cover the allegations made by the prosecution in the paragraph 30 of the indictment. This document NI-8799 is a plan worked out by the Reich Office for Economic Development and the title is, as your Honors will see on page 52: "Compilation of the Production Plans for Powder, Explosives, Chemical Warfare Agencies Including Preliminary Products. State as of 10 June 1938," and on page 53 your Honors will note that the first copy of this report is to Dr. Krauch. I do not want to quote anything from this document. I just want to point out that on the 9th and 10th of June 1938 at a time when the Third Reich got ready for the invasion of Czechoslovakia as is outlined in the findings of the International Military Tribunal, the defendant Krauch in his Reich Office of Economic Development worked out a production plan which was exclusively concerned with warfare, namely, explosives, gun-powder and chemical warfare agents.

May I point out on page 62 of the English text, page 18 of the German text, Document Book 20, we find a final remark in which it is outlined that it is necessary to grant special powers in order to secure the execution of this program and then in parenthesis: "Compare Special Memorandum". It's on page 62 of the English Document Book at the bottom. The prosecution could not find this special memorandum. However, we will find other documents in the course of the presentation

where the defendant Krauch outlined the special powers which he needed in order to prepare for war.

The next document NI-6768 which can be found on page 63 of the English Document Book; in the German text, Document Book 24, page 131, is the transcript of an interrogation of the defendant Karl Krauch in which —

JUDGE MORRIS: Is that Exhibit 437?

MR. CHARMATZ: I am sorry, your Honor. May I mark it 437? In which the defendant Krauch re-affirms the correctness of interrogations held in 1945 and makes certain qualifications as he saw fit; at the time of this interrogation, the second interrogation, on 29 April 1947, as is shown on the pages 63 through to 66. Will your Honors please note the pages 69 and 70 of the English text? The German text was handed over to the defense as a special document marked page 136, A, B, C, and D. On pages 69 and 70 and may I be permitted to summarize? The defendant Krauch explained that in Summer 1938 Dr. Bosch was worried by the international situation and about the talk about war and that he wanted to talk to Goering. At the same time the defendant Krauch, as is shown in his own words on these two pages, reported to Secretary of State Koerner of the Four-Year-Plan and later also to Goering that the figures on which Col. Loeb had based his estimate of production were wrong and that it was dangerous to face war with such a situation. He states — it's too long to quote. May I be permitted just to stop with this summary and ask this Tribunal to note that the statements of the defendant Krauch are to be found on pages 69 and 70. Now, at this time in Summer or rather late June 1938 when Dr. Bosch, the Chairman of I. G. Farben — I am sorry — the Chairman of the Aufsichtsrat of I. G. Farben, was so worried about the danger of war and at the time when the defendant Krauch found it dangerous not to point out that the estimates of his superior Col. Loeb were not correct. At this time the defendant Krauch took it upon himself to work out complete programs as we will see in the exhibits which I am going to offer in a few minutes,

for German production in the fields of explosives, gun-powder and chemical warfare agents.

Before the defendant Krauch came forward with a plan for a better program and a correct program for the production of explosives, powder and chemical warfare agents, he approached the defendant Ambros and Your Honors will find, on page 82 of your document books, the Document NI 5687 which I want to mark as a Prosecution Exhibit 438. This document can be found in the German document book #20, page 19. This document is a copy of a letter of the defendant Ambros to the defendant Krauch, dated 27 June 1938. May I be permitted to quote the first sentences of this letter. The defendant Ambros writes:

"In compliance with your request, we give you our personal impressions of the development of the program for the manufacture of chemical warfare agents and explosives in Germany."

And he continues:

"Since at present German industry is over-burdened by the many projects of the Four Year Plan and also by the increase in exports, we request that in future industry should deal only with one fully responsible competent office for matters relating to new projects for the army."

And then the defendant Ambros outlines what the jurisdiction of this one single fully responsible new office should be. It can be seen under 1, 2 and 3, namely, over-all planning. Furthermore, contractual regulation and financing of the projects, and also a very important question, the allocation of building materials and labor. In this document the defendant Ambros makes the first suggestion which powers should be given to the defendant Krauch in order to attain the goal, and we will see in the documents which will be introduced later, that the powers given to the defendant Krauch by Hermann Goering were identical with the powers as suggested already on 27 June 1938 by the defendant Ambros. May I point out that on page 83 of the English text - it is page 20 of the German - the defendant Ambros attacks the practice of the army ordnance office (Heereswaffenamt) to construct new plants,

as is said here, "out in the green meadows." Your Honor will note in some of the following documents similar phrases. In some cases also the expression "in clover"! Now may I be permitted to explain this rather unusual term. The German army ordnance office (Heereswaffenamt) called the plants, which were constructed without connection with plants which were already in operation, plants "in the green meadows". We will see in other documents that the defendant Krauch and also the other members of I.G. Farben industry attacked this project of building factories "in the green meadows" violently. We also will try to explain what the motive of these attacks were. May I draw Your Honors' attention to the last paragraph of this document, on page 85 of the English document book. It is page 22 of the German document book. The last paragraph, may I quote, the defendant Ambros says:

"If German rearmament is to proceed with the necessary speed and on national principles, what we need is that we should deal with one single responsible office."

The prosecution will show that this one responsible single office was the office of the defendant Krauch.

The next document NI 8839, which.....

DR. HEINZELER (Defense Counsel for defendant Ambros): I ask for permission to revert to the exhibit of the prosecution 438. The photostat which was submitted by the prosecution shows a letter which bears no signature - no signature of the firm and no personal signature. Neither does this letter bear any initial. As a consequence, it is not clear whether in the case of this document we are concerned with a final letter which the defendant Dr. Ambros sent in this form whether we are merely concerned with a draft of a letter. Since the character of that document is obscure, I should like to ask the Tribunal to decide on the admissibility of that document to which I personally would object.

THE PRESIDENT: Does the prosecution have anything to say on the

subject?

MR. SPRECHER: I was wondering whether you particularly wanted us to under the circumstances, Your Honor.

We might say that the particular document was found by the FIAT, this is Field Agency Technical, which is a joint British and American group and we found it in their files at Hoechst which is near Frankfurt. However, it is our information that the document was obtained by FIAT from Ludwigshafen which is the plant where the defendant Ambros had his main headquarters. Of course, it's a captured document.

THE PRESIDENT: Again we are confronted with a matter of a document that may be the subject of subsequent evidence. I may say that all that counsel for the defense has said should and will be taken into consideration by the Tribunal in determining what weight, if any, is to be attached to this document if, at the conclusion of the trial, no further showing has been made with respect to it. Under the liberal practice that obtains before these Tribunals, this body would not feel disposed at this time to strike the document from the record and the motion will now be overruled. If it develops later that the document has no probative value, the motion may be renewed at the conclusion of the evidence.

MR. CHARNEY: May it please the Tribunal, the next document.....

THE PRESIDENT: If you will pardon the interruption, Mr. Prosecutor, we're almost at the hour of adjournment for the day and I'm wondering if any progress can be made at this time with respect to the prosecution disclosing what documents you will use tomorrow forenoon so that the Tribunal and counsel for the defendants may have the advantage of that information. It's more important that counsel for the defendants have the information, because we can be advised informally as to what books to bring into the court room tomorrow, but if you can now, while the Tribunal is in session, indicate to them, or immediately upon adjournment advise them, as to what document books you expect to

use tomorrow forenoon, it will facilitate the proceedings of the Tribunal.

DR. SILCHER (Defense Counsel for defendant von Knieriem): May I draw your attention to the fact, Mr. President, that in order to consider the defendant, it would be necessary that also the documents which are to be submitted tomorrow afternoon should be mentioned now because the gentlemen in the dock do not return to their cells and they are therefore not in a position to bring these documents along for the afternoon session, they must have all the documents for the day with them.

THE PRESIDENT: What is the situation of the prosecutor on that subject?

MR. CHURMUTZ: The prosecution expects to finish tomorrow the rest of Document Book 20 and also the Document Books 21, 22 and 24 of the English. Now, I gave a complete list to Dr. Boettcher and we will furnish the defense with more lists of cross references between the new English books and German books and we expect to finish tomorrow Document Books 20, 21, 22 and 24. Maybe, even the short Document Book 25. That takes care of the rest of the documents of Section C of Count I.

THE PRESIDENT: So far as you are now advised, will you offer the document books in that order?

MR. CHURMUTZ: In that order, Your Honor. Document Book 23 has been disposed of today. This was only this one document.

THE PRESIDENT: Yes, we so understand.

MR. SPRECHER: Your Honors, at noon we were able to give to the defense counsel, for distribution and for recopying further copies, three copies of the index which would indicate the German document books and page number and, I think, by a little ingenuity on their part, they will be able, if they have not done so already, within a short time to see that proper cross-references are made and so that by six o'clock when they see their clients they can inform them regarding the documents which will be offered tomorrow and almost the exact order in which they

will be introduced.

DR. SILCHER: Mr. President, may I point out that the defendants have not in their possession this list where there is a cross-reference made to the German volumes. Having been told the English document volumes, it is not possible for them to know what German document books are going to be presented tomorrow. I think, therefore, that it will be necessary that the prosecution tells us now what German document volumes they are going to present tomorrow.

MR. SPEECHER: The list will indicate each one of the problems which Dr. Silcher raised.

THE PRESIDENT: Well, this does present problems and troubles for counsel and for the Tribunal. We only ask that counsel cooperate so far as they can in accommodating each other so that there may be no more delay or no more hardships involved than are positively necessary. It will be the judgment of the Tribunal that we shall have to leave this in your hands in the light of the indications that the prosecution has made with respect to its plans for the next session.

The Tribunal will now rise until 9:30 tomorrow morning.

(A recess was taken until 0930 hours, 17 September 1947).

Official Transcript of the American Military Tribunal No. VI in the matter of the United States of America against KARL KRAUCH et al, defendants, sitting at Nurnberg, Germany on 17 September 1947, 0930, JUSTICE SHAKE, presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI.
Military Tribunal No. VI is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: Mr. Marshal, are the defendants present?

THE MARSHAL: May it please Your Honors, all the defendants are present save the defendant Ilgner who is absent due to illness.

THE PRESIDENT: Is the defendant Wurster present?

THE MARSHAL: May it please Your Honors, the defendant Wurster is present.

THE PRESIDENT: The Tribunal will proceed with the arraignment of the defendant Wurster. He will stand in the dock and answer questions.

Defendant Wurster, have you counsel?

DEFENDANT WURSTER: Yes.

THE PRESIDENT: Was the indictment, in the German language, served upon you at least thirty days ago?

DEFENDANT WURSTER: Yes.

THE PRESIDENT: Have you had an opportunity to read the indictment?

DEFENDANT WURSTER: Yes.

THE PRESIDENT: Have you read the indictment?

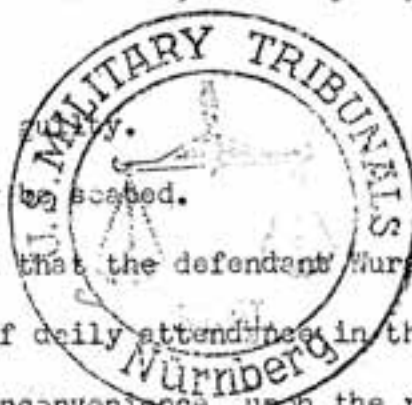
DEFENDANT WURSTER: Yes.

THE PRESIDENT: Defendant Wurster, how do you plead to this indictment? Guilty or not guilty?

DEFENDANT WURSTER: Not guilty.

THE PRESIDENT: You may be excused.

The Tribunal is advised that the defendant Wurster has recently recovered from illness and if daily attendance in the court room causes him too much discomfort or inconvenience, upon the request of his counsel,



he may be excused from time to time as may be necessary until his recovery is sufficient that he can attend the Tribunal without too serious injury to his health.

The Tribunal also has information that the defendant Ilgner is temporarily ill and he will likewise be excused from attendance until such time as he has recovered.

DR. WAGNER (Defense Counsel for defendant Wurster): Your Honors, with reference to the words the President just uttered towards the defendant, I should, as his defense counsel, ask him to be absent from the trial in view of his physical condition. I shall see to it that either I personally will attend the trial or, in case I am not there, my assistant Dr. Heinzeler will represent me.

THE PRESIDENT: And we assume also, counsel, that the defendant will be present when his health permits.

DR. WAGNER: Certainly.

THE PRESIDENT: Very well. That will be satisfactory. The defendant Wurster may be excused this morning if you so desire.

DR. WAGNER: Yes, I am asking you for that.

THE PRESIDENT: Very well. That may be done.

DR. WAGNER: Thank you very much.

THE PRESIDENT: Is the prosecution ready to proceed?

MR. CHARMITZ: May it please the tribunal. In yesterday's session, in discussing the Document Book 19, the fifth document in this document book, I referred to the Document NI 6525 which had been introduced before in this court and said that this document had the exhibit number 281. I have to make a correction. This exhibit number is wrong. It should read 301, Your Honors.

THE PRESIDENT: What book is that in, please?

MR. CHARMITZ: It was in Book 19, the fifth document in the index.

THE PRESIDENT: Thank you.

JUDGE MORRIS: What page of Book 19?

THE CH. RMTZ: Page 79, Your Honor. German book 19, page 1.

May I now continue, with Your Honors' permission, the presentation of the rest of the Document Book 20.

I mentioned yesterday the Document NI 8839, which can be found on page 86 of the the English document book. In the German text, Book 20, page 23. I want to mark this Document NI 8839 Prosecution Exhibit 439. This document is another plan worked out by the Office for Economic Development and contains, as is shown on page 86 of the English document book, page 23 in the German text, an accelerated plan for explosives, gun powder, preliminary products and chemical warfare. We have seen in yesterday's session that only twenty days before, on the 10th of June, the defendant Krauch had worked out a plan for the production of explosives, gun powder and chemical warfare agents. At the critical time of June, 1938 - and may I draw Your Honors' attention once more to the findings of the International Tribunal in the Invasion of Czechoslovakia which I mentioned here - at this critical time, only twenty days after this first plan, the defendant Krauch drew up a new accelerated plan and Your Honors will see from this document, which I am not to quote, that the original goal of the plan of the 9th and 10th of June here was even more accelerated. Apparently on account of the situation as described in the findings of the International Military Tribunal.

The next Document NI 8841, which I want to mark Prosecution Exhibit 440, can be found on page 95 of the English document book and, in the German text, in Document Book 20, page 32. This document comes also from the files of the Reich Office for Economic Development and, as is shown at the top of page 95, the title of this top secret document is "Summary of Plan for Stepping Up Production of Powder and Explosives and Chemical Warfare agents, Including Primary Products." May I draw Your Honors' attention to the fourth paragraph of this page 1 which is underlined in the translation and this underlining can also be found in the original document book. Here the defendant Krauch states:

"It must be stressed here with particular emphasis that the expansion plan for speedier action can be put into effect only with the help of a fundamentally new and strict concentration of planning and execution in one hand."

Here, Your Honors, you will find the same theme as in the letter of the defendant Ambros which I introduced in yesterday's session, namely, the Document NI 5687, Exhibit #438, where the defendant Ambros, at the request of Krauch, said "what we need is that all the planning and execution should be concentrated with one single responsible agency." Here the defendant Krauch, in summarizing his plans, already makes the suggestion to the Reich authorities to have all this planning and execution concentrated in one hand.

The next paragraph, which I am not going to quote, mentions that a separate memorandum describes the conditions and the powers needed for the execution of such an accelerated plan. This separate memorandum cannot be introduced. It was not found in the files of Krauch's office.

May I just draw Your Honors' attention to one more paragraph of this document on page 96 of the English text, page 33 of the German text. This paragraph is underlined in the translation just as in the German original. Here the defendant Krauch again says:

"It is necessary to make a speedy decision by middle of July, 1938."

Again we see the speed or how the speed of such a production of chemical warfare agents, powder, etc., was stressed by the defendant Krauch at the end of June, 1938. We will see from another document which will be introduced shortly that this accelerated plan of 30 June 1936 was discussed by the defendant Krauch with Goering at Karinhall. I'm sorry, Your Honors, I said 1936. It should be 1938. I am always speaking of the period June and July of 1938 now.

The next document, Your Honors, is introduced for the sole purpose in order to show the atmosphere which reigned at that time and how Hermann Goering talked to other industrialists in other fields than chemistry. May I introduce in evidence the Document RI40. May I mark it as Exhibit 441. It can be found on page 100 of the English text. In the German, Document Book 24, on page 137. May I just pause for a second to give defense counsel time to look up the German text.

This document was a US Exhibit before the International Military Tribunal and had the exhibit number USA 160.

This document is, as is shown on page 101, the transcript of a conference of the aircraft industrialists at Karinhall with Goering on the 8th of July 1938. May I draw Your Honors' attention to the first page, 101, where in the third paragraph may I quote the first two sentences. It is Goering speaking:

"The situation today does not differ from that which existed at the time of my last address except perhaps for the fact that it is even more serious today. You are aware that today it is no longer Germany on whose attitude the continuance of peace depends. It is Czechoslovakia who treats the peace like the sword of Damocles."

Your Honors will see, in the document which was introduced yesterday, Hitler's memorandum on the Four Year Plan - it was NI 4955 - that at that time Hitler, in order to justify his measures, said that Russia was threatening the peace of Germany. Now, two years later, it was little Czechoslovakia that threatened Germany.

May I just point out two more passages of this rather lengthy speech.

On page 104 of the English text - it is page 146 of the German text - may I quote the first sentence of the third paragraph on this page:

"Gentlemen: The following is my personal belief. Whenever the conflagration may begin, if then Germany must go to war, this will be the greatest hour of destiny ever since there has been a German history."

Here again we see that Goering spoke very openly of the conflagration which, of course, would occur because Czechoslovakia was threatening the peace of Germany.

On page 111 of the English text, which is page 172 of the German text, may I draw Your Honors' attention to the middle paragraph of this page. It is the second but last sentence in this paragraph. May I quote:

"I still am missing entirely the bomber which flies, with five tons of explosives....."

I'm sorry. Could the interpreter find it? It is on page 172.

I'm sorry. May I please see the German book?

THE PRESIDENT: Certainly.

MR. CHAMBERLAIN: I'm sorry. It is on page 170. The last sentence in the German text. I was referring exclusively to the German text. I am sorry, Your Honor.

May I quote once more. It is Goering speaking:

"I am still missing entirely the bomber, which flies with five tons of explosives, as far as New York and back. I should be extremely happy

to have such a bomber so that I would at last be able to stop somewhat the mouth of the arrogant people over there."

It was the defendant Krauch who provided the explosives.

May I point out that this speech which Goering made to the aircraft industrialists - we do not claim that any of our defendants were present - was made on the 8th of July. That is eight days after the defendant Krauch had made or had worked out his accelerated plan and four days, as we will see in the next documents, before the defendant Krauch worked out a third accelerated plan.

The next document, Your Honors, is NI 8800 which can be found on page 113 of the English text - in the German text, Document Book 20, page 36. May I mark this document as Prosecution Exhibit 442. This document is, as is shown at the top of page 113, the military economic new production plan of 12 July 1938. This new military economic production plan of 12 July 1938 contains, as the plans before, gun powder, explosives, chemical warfare agents and preliminary products and, in addition to these, also mineral oil, rubber (Buna), and light metals. We see that this new plan is extended now beyond the original scope also to the other strategic raw materials - mineral oil, rubber and light metals. This document comes also from the Reich Office for Economic Development and we will hear later that it was the defendant Krauch who was the originator of this plan.

May I point out, on page 113 of this document - it is page 37 of the German text - the first sentence of the text. It says:

"The goal for the new production plan was set by the General Field-marshal (toch Field Marshal).....", that is Goering, "....on 30 June 1938 in Kärinhall. The following basic conditions should be observed for the individual sectors."

Here we see that also the question of mineral oil is discussed by the defendant Krauch and may I point out, at the top of page 114, it is still on page 37 of the German text, also for the mineral oil, we see

that Krauch speaks of the mobilization target. So this shows that, even in the field of mineral oil, it was a military point of view which prevailed.

On the same page, under numeral 2, the last paragraph, which treats the rubber question, we likewise find that decisive for the question of production of Buna is the mobilization target.

Still on page 114, the last paragraph of this page, for light metals, also we find the mobilization target, and on page 115, at the top of the page, for the production of magnesium, the first words used in this new plan are "the mobilization requirements."

For the rest of the materials covered by this new plan, gunpowder, explosives, and chemical warfare agents, we see there is little change compared to the second, the accelerated, plan of 30 June 1938. However, also we see that the mobilization target is stressed by the defendant Krauch. This can be seen after the first paragraph of Numeral IV; and here again, as is shown in the paragraph above, Krauch stresses--it is underlined here--"the utmost acceleration, and that the beginning should immediately start."

The next document is PS-2353, which can be found on page 117 of the English text; in the German text in Book 24, page 178. May I mark this document Prosecution Exhibit 443? This document--the English translation which Your Honors will find in the document book--are excerpts from a manuscript of Gen. Thomas, who was mentioned here several times before, the chief of the Military-Economic Staff of the OKW; and the title of this manuscript, which was never published but which was captured by the American troops, is Basis Facts for a History of German War and Armaments Economy. This document was written during the war, after Gen. Thomas had retired.

May I point out only a few passages from this translation? First, on page 118 of the English text, which is page 180 in the German text, it is at the end of the long first paragraph, we see that the Four Year Plan, as Gen. Thomas says: "Was the first to broaden the raw material bases as demanded by the Wehrmacht." Furthermore, on page 120 of the English text, it is 183 of the German text, the third paragraph at the middle of the page, we see that the foundation for the Four Year Plan was laid by the Staff for Raw Materials and Foreign Currency, the staff which was joined by the defendant Krauch as early as May, 1936, and

in the framework of which also the defendant Schmitz, as we have seen in the document NI-5380, which was the first document in Document Book 19; may I please give Your Honors the exhibit number? The Exhibit Number is 400. In the framework of this Raw Materials and Foreign Currency Staff also the defendant Schmitz had helped to prepare Germany's self-sufficiency. May I now draw Your Honors' attention to page 126 of the English document book, which can be found in the German text on page 129. May I quote two sentences of the second paragraph, with Your Honors' permission?

THE PRESIDENT: You must be in error as to page 126; that is only the certificate of translation.

MR. CHARLATZ: It is page--if Your Honors will please look in the middle of the page, at the bottom--ten of the translation of Document PS-2353.

THE PRESIDENT: We have that; that page is numbered 125 in our book.

MR. CHARLATZ: I beg your pardon.

THE PRESIDENT: I think it is only my book that is in error.

MR. CHARLATZ: I am so sorry. It's entirely our fault.

THE PRESIDENT: Well, that is not of serious consequence.

MR. CHARLATZ: May I quote these two sentences? It is Gen. Thomas writing: "The increase of the production of gunpowder and high-explosives had been started as a large-scale operation. On the recommendation of the WSto--" that is the Wehrwirtschaftsstab (the Military-Economics Staff) whose chief Thomas was, "--General Fieldmarshall Goering had ordered, in 1938, the draft of a plan for the production of gunpowder and high-explosives, and had put Generaldirektor Dr. Krauch of the I.G. in charge of its

completion. This plan was drawn up on 12 July 1938 as the so-called 'Karinhall Plan'."

Your Honors will have noted that the defendant Krauch is termed here as "Generaldirektor." Now, this is not a technical term; this can only be explained that General Thomas apparently considered the defendant Krauch as the most important man of I.G. Farben. And may I draw Your Honors' attention to the last paragraph of this page 126-- or 125? Here it is considerably later in the manuscript. I do not want to create a wrong impression."

Here, General Thomas says: "History has probably few examples of a country adjusting its economic powers even in peacetime to the necessities of war with as much forethought and planning as Germany was compelled to do in the period between the two World Wars."

This, Your Honors, finished the document book 20. I pointed out--

THE PRESIDENT: In that connection, may we direct your attention to the fact that Document NI-5899, which was marked as Exhibit 430 was identified only, and was not offered in evidence? Perhaps that was intentional, but we are just simply calling it to your attention.

MR. CHARNATZ: Yes, Your Honor, we will supply a full translation of this document.

THE PRESIDENT: Very well.

MR. CHARNATZ: I do not know whether I made myself clear yesterday with regard to the Exhibit 426, which is the NI No. 4703, which was the chart of the staff of Goering's and the office for Raw Materials & Synthetics. We had translated in the English document book only the middle piece; however, we added the full German photostat to Your Honors' document books.

May I continue now, with Your Honor's permission, the presentation? It is Document Book 21 now. May I ask the Defense to take German Document Book 24; the first four documents can be found in the German Document Book 24. The first document, NI-7424, which can be found on page 1 of the English text, page 195 of the German text, in Document Book 24, I want to mark as Prosecution Exhibit 444. May I give Dr. Nelte a chance to speak.

DR. NELTE (Counsel for defendant Hoerlein): Mr. President, the statements which were made by Gen. Thomas and which have taken up a great deal of time in the submission of counsel for the Prosecution have been only partly included in the document book concerning I.G. Farben. The document PS-2,353 is this very extensive document I am holding in my hand which played a considerable part during the first trial. If excerpts are being submitted from this document, it seems to me to be important that the Tribunal should be informed as to what Gen. Thomas has laid down in the affidavit which has not been submitted in evidence here, but which, on the other hand, is necessary in order to recognize the probative value of that document. This affidavit of Gen. Thomas' is annexed to that main document and contains, for instance, (which is of particular importance to us) the following specifications.

The purpose of the book was to be to recognize the role and the contribution of the military-economic armament office during the rearmament time and throughout the war. Later, the supplementary sentence was added to this affidavit in which Thomas says, and I quote: "My statements concerning the war, concerning the Nazi Party, and concerning the Nazi personalities do not correspond to the facts. They were made after the 20th of July 1944, and they were

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added in order that I be exonerated of charges made by the
Gestapo."

I may assume that the Tribunal is informed that Thomas was under suspicion of having participated in the conspiracy of the 20th of July 1944. He has testified that this book which originally was to serve to illustrate the work of the entire military economy had to be formulated by him in such a manner that there be no suspicion against him on the part of the Gestapo. For that reason he added an affidavit and he said that "I recognize this book as one written by me." However, utterances which are important in this trial -- and by that I mean concerning the war, concerning everything which preceded the war, concerning the Nazi Party and the Nazi personalities -- how far this extends I cannot say. These utterances do not correspond to the facts."

I think that it is important to state for the record that these excerpts are only a part of the entire document, and have to be evaluated accordingly.

THE PRESIDENT: Of course the Tribunal has no knowledge, except what it has heard in the courtroom, with reference to the character of this document. We assume from what counsel for the Defense has said that there is some explanatory affidavit attached to, and made a part of, the documents in the files of the Prosecution. It is a fundamental rule, we think, that when one party to a controversy has offered a part of a document he thereby opens the door to the other party to offer other parts or the whole of the document. Assuming that the affidavit to which counsel for the Defense has referred is a part of this document, we cannot see that any harm can be done the Defense by the admission of those parts of the document that have been offered by the Prosecution, in view of the fact that counsel for the defense is privileged to offer any other parts of the document, including the affidavit, if he sees fit, or may in fact offer the
----- entire document, including the affidavit, if he deems that proper.

Under the circumstances, the Tribunal will rule that the parts of the document offered by the Prosecution are properly in evidence at this time.

MR. SPRECHER: At Dr. Nelte's request, the Prosecution will undertake in the very near future, to have the portions to which he just translated and placed before Your Honors as an additional part of the translation. Now, in connection with the weight of this document, I have only one or two brief references which I would like to be permitted to make to Your Honors now in view of some of the remarks of Dr. Nelte. Am I permitted?

THE PRESIDENT: Certainly?

MR. SPRECHER: Dr. Nelte is certainly correct in stating that the Thomas diary-- or the Thomas memorandum played a great role in the first trial. In view of that fact that it did and in view of the fact that General Thomas cannot help but be well known to anyone who studies this case, we had not translated that part. I think we were in error. We will correct it. But I only want to make this point clear. I think the whole basic theory of the Prosecution in case No. 1 before the I.M.T.; and, if I am not mistaken, the general theory of the decision of the I.M.T. was that there were different kinds of conspirators and different kinds of principals in war crimes.

Now, it is certainly true that General Thomas, a leading man of the High Command, was a different kind of conspirator than Goering was; and the mere fact that he and a number of other people in a very late stage of the war said: "We have had enough of this aggression, and we will attempt to take Hitler's life," we do not believe goes either to what they wrote about what happened before 1939 or even what they wrote after 1939 -- except that obviously this was a police state. In connection with the weight of the matter, particularly with respect to those passages to which the Prosecution just referred, we do not believe that there can be any proof adduced in this case which indicates

error on the part of General Thomas where he recites the facts on the rearmament and on the plans which the military-economic staff made at that time.

Quite true, General Thomas claims to have done some "window dressing" when he wrote about Nazi personalities, referring to some of the higher, strictly Party leaders. I do not think that the affidavit in any way will indicate that what he wrote concerning the leading men of industry and the military-economic staff in connection with the war preparations was in any way wrong.

The General was trying to write a history of the war in this memorandum for future publication.

THE PRESIDENT: We take it that counsel for the Prosecution has no quarrel with the ruling of the Tribunal to the effect that, having offered such parts of this document as it has selected, as establishing the theory of the Prosecution, you thereby open the door to the introduction of additional parts at the discretion of counsel for the Defense. Is that correct?

MR. SPRECHER: Indeed not, Your Honor. I only wanted to take the burden from Dr. Nelte since he preferred that part by offering to see that the translation was made in the near future.

THE PRESIDENT: Then it would appear that we have a clear understanding of our situation, and counsel for the prosecution may proceed.

MR. CHARMATZ: I offer the document NI-7424 in evidence as Exhibit No. 444. This document, which is part of the files of Krauch's Office for Economic Development, is an excerpt, as is shown at the top of the page -- but I want to point out the German original says "Excerpt from;" it is a document, an original captured document which is an excerpt, apparently from a longer document. It says "Excerpts from measures in accordance with order dated 15 July 1938 for the execution of the new military-economic production plan."

This document is dated "Berlin , 18 July 1938" and as is shown by the first sub-title which is underlined "Chemical Warfare agents and Diglycol." it can be deduced that these are the measures which were taken by the defendant Krauch in one particular field of this new military-economic production plan, namely, chemical warfare agents and diglycol.

As is shown by the numbering of this document, apparently there were other measures taken in other fields.

Now, may I point out to Your Honors that here in practically all the points mentioned here we find that the defendant Krauch , only a few days after he had worked out with Goering this new military economic plan, gave orders to I.G. Farben to comply with this new plan which was set up in the atmosphere, as was described before here. I refer to the findings of the I.M.T. , and also to other documents as R.140. Your Honors will see practically all of these measures are commissions to I.G. , or order given to I.G. for immediate expansion of diglycol production at Ludwigshaven.

The next point again , 19, "Commission given to I.G. for increase of production capacity of diglycol."

Point 20: "Commission given to I.G. to speed up construction of diglycol plant...."

Point 21: Similar.

So is (point) 22.

Only point 23 does not mention I.G. Farben directly, but an Orgacid company. We will introduce evidence in the next section of Count 1, in Section B on Production, what the relationship between I.G. Farben and this company Orgacid was.

Point 24 again: "Commission given to I.G. Farben for operation of Oxel apparatus" -- which is an intermediate for poison gas.

(Point) 25: "Immediate commission to I.G. for commencement of experiments on large-scale production of direct mustard gas."

We attach great importance to this document because it shows that very shortly after the defendant Krauch had worked out for Goering, and at the instigation of the military-economic staff, such a new plan in the field of military economy, the defendant Krauch passed on his orders to I.G. Farben; and in this one document we see that in the field of chemical warfare engines, practically all orders -- with the exception of one -- went to I.G. Farben. And we will try to show, in Section D of Count 1, that Orgacid also, for all practical purposes, was Farben controlled.

DR. HEINZELER: Dr. Heinzler, counsel for the defendant Dr. Ambros. Your Honor, the Document Exhibit 444 according to its photostatic copy constitutes an excerpt from a document and it does not become evident by whom the original document was executed and where it was found. I do not know whether the prosecution has in its possession the complete document. At any rate, it is impossible for the defense to define its attitude now towards the content of the document which has been submitted unless it knows who the author of it was, from what files it originates and at what agency it was found. It is my opinion that the submission of an excerpt from a document, the origin of which is not clear, cannot be admissible because the defense can not define its attitude towards it. For that reason I should like to ask the Tribunal to decide upon the admissibility of that document.

THE PRESIDENT: We will hear what the prosecution has to say when you are ready.

MR. SPRECHER: The document, as was stated, was found in the Reichsamt Fuer Wirtschaftsaufbau, the official files of this office headed by Krauch. It is stamped with the typical stamp "Geheime Reichssache" which means "top secret" by English or American terminology. There is underlining on the original. The heading of the document itself states it was an excerpt. Now, the contents indicate that this particular part of whatever the original document was was sent to the Krauch

office because this particular part of that document directly involved the Krauch office.

Now, because the prosecution does not have, and it does not have, the rest of the document from which this original document was taken, we do not think that the matter runs whatsoever to admissibility but, on the contrary, may indicate some points going to the weight of the document in view of the fact it may give some difficulties to the defense. However, on that point it seems to us there was very little before us, in view of this fact certainly some of the defendants in the dock and particularly the defendant Krauch and Ambros are in a position to indicate whether or not the text of this document fits into the whole pattern which they certainly know very well.

THE PRESIDENT: The objection really involves two matters; one, the question of whether or not there is a sufficient showing on the face of the document or otherwise to entitle it to admission and consideration by the Tribunal. On that point we think there is ample precedence to sustain the view that captured documents of this character are prima facie admissible. About that issue we have little doubt. Now, as to the document purporting to be only an excerpt of a larger document it seems to us the answer to that matter is this: that when counsel for the prosecution offers a part of a document which it has in its possession, it may be required to produce the entire document for the use of the defense if the defense elects to offer additional

parts of the document or the entire document. Now, on the statement by counsel for the prosecution that all they have are these so called "excerpts", manifestly they could not be required to produce something that they do not possess, so, looking at both angles of the objection we are inclined to the view that the document is admissible as a captured document on the showing made by the prosecution which has not been challenged by counsel for the defense.

As to the other matter, we believe the document is admissible even though purporting to be on its face only an excerpt and that the rights of the defendant is to require the prosecution to produce all of the documents that they possess and, manifestly, if the exhibit is all they do possess in nothing could be accomplished by an order of the Tribunal for them to produce more and on the showing made, the objections are overruled.

MR. CHARMATZ: May I continue now with your Honor's permission to the next document? PS-1436, on page 3 of the English Document Book, page 197 of the German Document Book 24. May I offer this document as Prosecution Exhibit 445? This document is a note for the file and as the document states: "Business Transacted at conference with General Fieldmarshal Goering at Karinhall on 18 July 1938", and then another remark: "OKW (without No.) Berlin, 18 July 1938."

As is shown by the marginal notes at the left side of the document this document was in the

possession of the Department Rue IC, which is the
Armament Department I-C of General Thomas'

Military Economy and Armament Office to which
we referred here before. May I point out the date
of this document? It's the 16th of July 1938,
four days after the defendant Krauch worked out
with Goering his new military economy plans.

May I point out here on page 3, the second
but last paragraph "C" where the function of the
Four Year Plan is discussed? May I just quote
this one paragraph?

"c. The Four Year Plan function consists
in preparing the German Economy for total war
within four years. The Commissioner for the
Four Year Plan, Goering, has unrestricted powers,
which he can delegate, if necessary, to specially
appointed Plenipotentiaries General, (Field Marshal
Von Hanneken.) It is intended to appoint further
Plenipotentiaries General for mineral oils, for
gun-powder and explosives, and possible for power."

May I point out that Herr Goering states
not only the aim of the Four Year Plan but also
says that Goering as the Commissioner of the
Four Year Plan can delegate his powers to
Plenipotentiary General von Hanneken, who will be
called here as a witness, is given as one of
these General Plenipotentiaries.

May I quote another passage of this document?
It's on page 6 of the English Document Book of
your Honors' and on 200 of the German text. Under
V your Honors will find the caption "Program of

the Four Year Plan" and may I quote this paragraph with your Honors' permission?

"The achievements of the Four Year Plan have so far been unsatisfactory in all respects from the point of view of the war effort, owing to lack of co-ordination. Position in the gun-powder and explosives industries positively catastrophic owing to departmental rivalry. Drastic acceleration of the Four Year Plan necessary for the production of the following:

"a. gun-powder and explosives;

"b. fuels;

"c. aluminum;

"d. buna;

"e. supply of ore."

Now we see that Goering considered the achievements of the Four Year Plan as unsatisfactory and this apparently is the explanation why the defendant Krauch, as we will see later, at this time was appointed Plenipotentiary General for special tasks of the chemical production in order to fulfil the program of the new military economic production plan in the field gun-powder and explosives and also chemical warfare agencies, fuels, aluminum, which is light metals, and buna. Only the last raw-material mentioned here under "e", "ores" which means most probably iron ores, was not within the jurisdiction of the defendant Krauch which he had only a few days later when he was appointed Plenipotentiary General by Goering.

May I just point out to your Honors that this document here contains a full program of all measures necessary for complete mobilization in case of war? I will not read from it. May I just point out on page 3, under "b" , if your Honors will note under 1-b, the first sentence reads:?

"The office of PGE --"now this is the Plenipotentiary General for Economy. In the German it reads "GBW". I think the expression "GBW" is more common and since we will discuss the authority of the GBW may I ask your Honors to correct this "PGE" and change it to "GBW". It's on page 3 of the English Document Book under 1-b. This document, except for the fact that it mentions exactly why a new plan was made for gun-powder, explosives, etc., and in addition to that it mentions that Goering considered drastic acceleration necessary, is likewise introduced in order to show the atmosphere of these July days 1938, in which the defendant Kruach took over these new additional situations and this new jurisdiction and powers.

The next document, your Honor; I am sorry ---

DR. GIERLICKS: Counsel for the defendant Dr. Schmitz. Your Honor, I have to excuse myself if I have to revert to the previous document at this time. The defense is confronted with the fact it has to deal with documents of which it does not know who the author is, where they were found, for what purpose they were written and whether or who anyone of the defendants in the dock received any knowledge of these documents. I am quite aware that the prosecution and in particular in the case of the last document, is not in a position to give us more than they themselves possess. I do think, however, that in case of such documents which in themselves do not show who the author was and for what purpose they were written and to whom they were directed, at least the prosecution can be required in order to clarify matters , to submit affidavits in connection with the documents, made by those persons who have

found these documents and certify them to be captured. From these affidavits one would see who found them and where they were found and it would also be certified that the copies correspond with the found original document. This is extremely important because, according to my information, it is the practice in this Palace of Justice. In that connection let me also point out that the last document bears a note by the Office of Chief of Counsel for War Crimes that it bears the character of a so-called "unofficial copy." That, in my opinion, confirms the necessity of the affidavit for which I have just asked and I would be grateful if, in order to avoid continual objections by the defense which interrupt a swift proceeding, the Tribunal would make a general decision to the effect that the prosecution would have to submit affidavits in the case of such documents which cannot be understood in themselves.

An affidavit would have to be submitted by the person who found the document and it has to be shown through the instrument of that affidavit where it was found and all relevant data have to be given in order to enable the defense to define its proper attitude towards such a document.

THE PRESIDENT: Permit the Tribunal to make this observation. When this document, which has been identified as Prosecution Exhibit 444, was under consideration a short time ago and when the Tribunal ruled on the objection of counsel for the defense, it may be recalled that we stated that there had been a representation by counsel for the prosecution that this was a captured document and we said that that statement had not been challenged and we accepted the statement of the prosecution as a fact, and based our ruling of admissibility upon that fact. Now, if there is to be some question about the history of this document, the source of the document, how it came to be in the hands of the prosecution that presents a matter with respect to which we have given no consideration. We shall be glad to hear the views of the

prosecution on that point.

MR. SPRECHER: The certificate, your Honor, which are accompanying the exhibits given to the Secretary of the Tribunal are identical in form with the certificates which are being used in the other cases, so far as I know. In any event, this is similar to the certificates with which I am familiar from nearly two years experience in Nurnberg in connection with the war crimes trials. The specific questions concern tracing many of these documents are exceedingly difficult as I am sure Dr. Gierlichs or at least some of the defense counsel who were here during the first trials will well know. The army intelligence groups from each of the Armies didn't take an awful lot of time always to make a lot of individual certificates about each of the documents which they impounded and forwarded back to the various document collection centers. I think that is rather apparent from the original certificates. For example, the Coogan certificate which was introduced on the first day of this trial and which was likewise introduced on the first day of the case before the IMT. In other words, we are not confronted here by anything that is unusual or is new.

THE PRESIDENT: May I ask, Mr. Prosecutor, if in your file there is anything by way of certificates or memorandum to indicate the source of this document?

MR. SPRECHER: We know that this document was found in the files of the Krauch office. I am sorry, your Honor. I was referring to Exhibit 444 to which I understood you to refer. Is that correct?

THE PRESIDENT: We were under the assumption that counsel was speaking with respect to Exhibit 444. Is that correct?

DR. GIERLICH: I referred to both, Your Honor. I referred to 444 and 445.

THE PRESIDENT: Very well.

MR. SPRECHER: Then we did make the statement: Mr. Charnatz did happen to know where that particular document did come, but for us to go

back and attempt to find out which clerk, which secretary, which Second Lieutenant, which Sergeant may have first uncovered this particular document as a matter of his clerical interest and then in the course of his official duties forwarded it on, so that it came to our attention in many cases and, if fact, in most cases, would not only be very difficult but in many cases impossible and I don't see in most cases where it would particularly help.

THE PRESIDENT: Our thought is this; this Tribunal is disposed to accept the statement of fact from counsel for the prosecution or counsel for the defense 100%, if I may use that expression, unless such statements are challenged. We admitted this document in the first instance upon the representation of the prosecution that this was among captured documents. That would have disposed of the matter in view of the Tribunal except for the fact that counsel for the defense has expressed himself as not satisfied with that showing. We will suggest that the counsel for the prosecution ascertain during the ensuing intermission what showing it can make in a general way as to the source of this document. The Tribunal will not be concerned with what happened in the passing of this document from one hand to another or particularly what the identity of the individual who found it or carried it to the offices of the prosecution and we will not yet rule on the question --- Perhaps it might be well for the prosecution to make such showing, as it is in position to make, with reference to the basic fact that this is a captured document and was found in the files of the office to which counsel referred.

MR. SPRECHER: Your Honor, it is a captured document and taken care of by the usual certificate. I understand your point. Beyond that we shall indeed---

THE PRESIDENT: With those observations the Tribunal will now rise for its customary morning recess.
(A recess was taken)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: Mr. Secretary, will you please hand up the original of Exhibits 444 and 445. We may say to Counsel that the records which we use on the bench are not the original exhibits, as you well know, but merely mimeographed copies for our own convenience like the copies that you have on your desk. These copies do not purport to carry the showing of the authenticity of the document. We were in some confusion when Counsel referred to the certificate accompanying these documents. The only certificate that we have before us from our working copy of the documents is a certificate of the translator. During the intermission we took the liberty of sending for the original of the two documents that have been marked 444 and 445. We find as a part of those exhibits certificates substantially alike signed by an officer who identifies himself as connected with the Evidence Division of the Office of Chief of Counsel for War Crimes, and after identifying the respective certificates stating that the exhibit is a true copy of a document which was delivered to him in his official capacity in the usual course of official business as the original of a document found in German archives, records and files captured by military forces under the command of the Supreme Commander, Allied Expeditionary Forces. The certificate is dated and signed by the officer.

This, in the judgment of the Tribunal, is clearly prima facie evidence of the authenticity of these documents and will be accepted as sufficiently establishing that fact unless there is a direct attack upon the certificate and unless there is a showing that the certificate is untrue, and, of course, the party assuming to make such an attack would have the burden of proof to establish it. With those observations the Tribunal now overrules the objections to the admissibility of offered Exhibits 444 and 445.

MR. CHARMAZ: May it please Your Honors, may I continue to introduce the next document.

The next document, EC-278 which can be found on page 8 of your document book, Your Honors, and in German document book XXIV, page 203, is a circular -- may I mark this as Prosecution Exhibit 446. This is a circular letter of Field Marshal Goering dated Berlin, 16 July 1938, the same day as the document which was introduced here before as 445, also 16 July 1938. May I point out, Your Honors, that in the English translation on page 9 the distribution list is omitted. It shows up in the German mimeograph. It says, "The distribution: All Reich ministries and Prussian Minister of Finance."

Your Honors will also see on page 8 the document states "40 copies" and this here is a third copy. In this document Goering mentions that he wants to appoint certain Plenipotentiaries General as we saw already in Exhibit No. 445. May I just read the first sentence of this document with Your Honors' permission.

"The political situation, particularly the necessity for speeding up the execution of the Four Year Plan and the readiness for mobilization compels me, regardless of all objections, to appoint so-called General Plenipotentiaries for various fields of special importance."

Goering also points out in this first paragraph that he can transfer to these Plenipotentiaries General all powers which he was given by Adolf Hitler.

On page 9, which is page 203 of the German document book, Goering points out that he will announce in the near future the persons in charge of such new functions.

May I now introduce the next document, EC-279, which can be found on page 10, in the German document book 205, which I want to make 447. This document, which is a letter of the OKW, the Supreme Command of the Wehrmacht initialled by "K" which is Keitel, Field Marshal Keitel, is dated 21 July 1938. This document is the reaction of the OKW to this announcement of Hermann Goering. Keitel says that he has learned that Goering wants to appoint a specific person as General Plenipotentiary

for the production of powder, explosives and war gasses, and as will be seen on page 11 at the end of the second paragraph Keitel suggests that General Becker, who was the chief of the Army Ordnance Office, the Heereswaffenamt, be appointed to this position, and the last paragraph shows that General Keitel want to have a talk with Field Marshal Goering in case that Goering should have another appointee in mind.

The next document which is still concerned with the same subject, namely, the question of the appointment of a new Plenipotentiary, is Document NI-8840, which can be found on page 12 of your document books, Your Honors, and in the German document book XX on page 48. May I mark this as Prosecution Exhibit 448. This is a letter of the defendant, Krauch, written to State Secretary Koerner on 22 July 1938. At the beginning of this letter the defendant, Krauch, refers to a letter of General Becker, the candidate of General Keitel for this new job, and gives his comments on General Becker's observations.

The Prosecution does not possess the original letter which General Becker wrote to Koerner. The Prosecution contends that it is shown from this letter that Secretary Koerner gave the defendant, Krauch, General Becker's letter, and here the defendant, Krauch, points out what his reaction to the arguments of General Becker are.

May I draw Your Honors' attention first to page 12 of the English text. It can be found at the bottom of page 48 and the beginning of page 49 in the German text. I want to point this out. In the middle of the third paragraph, numeral 3, the question of the military importance of nitrogen production is discussed here. Your Honors will recall that when the witness, General Morgan, took the stand in the cross examination this question of the convertibility of nitrogen for fertilizers was discussed. May I just read those two sentences here in the middle of paragraph 3.

"The fertilizer nitrogen basis becomes at once, by its export decline in the case of mobilization, the backbone of the whole of the

nitric acids and of ammonium nitrate. That latter again will be produced by the conversion of plants manufacturing, in peacetime, special kinds of fertilizers."

This is only pointed out in order to supplement what was said before by the witness, General Morgan. It is the defendant, Krauch, speaking on this topic.

On page 13 the last paragraph of this page, numeral 5, shows the defendant Krauch, claimshere that he himself as far back as the end of 1936 had taken the initiative to point out to the Wehrmacht the urgent necessity of stock piling, everything, of course, in connection with gun powder, explosives and chemical warfare agents.

On page 15, paragraph 7 -- it can be found in the German text at the bottom of page 52 and continues on page 53 -- the defendant, Krauch, refers to conversations which he had recently with responsible persons of the branches of the industry concerned. We have seen before the defendant, Krauch, had discussions and received suggestions from responsible persons of the industry.

On page 16 of Your Honors' book, the second but last paragraph, the middle sentence -- may I read this middle sentence into the record because, as the Prosecution contends, this shows the voluntariness of the chemical industry to provide the German war machine with powder and explosives.

"Neither the chemical industry nor the equally important gunpowder and explosives industry are undertakings which set up production installations to order in accordance with Scheme F. They endeavor, on the contrary, from a sense of responsibility fulfill the tasks set to the best of their ability."

Furthermore, on page 17, the fourth paragraph, the defendant, Krauch, points out that it will not be necessary to build up a special mechanism, a new office, as General Becker believed, and that as the defendant, Krauch, says-- I quote:

"This office already exists in a German industry ready for action and in my staff in the Reich Office for Economic Development."

May I ask Your Honors to substitute at the end the last work of this paragraph by the word of "Development" instead of "Extension" in order to have the terms uniform.

May I revert before I finish this document to page 15 of the English document book which is page 53 of the German text. I paraphrase this last paragraph marked numeral 7. May I only quote the last sentence here which also, as the Prosecution contends, shows the voluntariness on the part of the industry. It is the last sentence on this page.

"The firms concerned are willingly prepared to assume the responsibility themselves for the quickest possible rush execution, in which, of course, they must be accorded the State assistance I have proposed."

And now the last page of this document, page 18 of the English document book. It is at the end of page 56 of the German document book. Here the defendant, Krauch, stresses that the best way to fulfill this program is the collaboration and the confidence in the industry concerned.

Your Honors will recall it was stated before here, and evidence will be introduced here in the next section of Count I, that the industry which produced powder, explosives and chemical warfare agents was practically identical with I. G. Farben and their subsidiaries. Only one more thing. At the end of the second but last paragraph the defendant Krauch stresses that he has selected his staff principally from the industry concerned, and that he had trained their minds for eighteen months to these tasks, and I quote:

"In order to anchor in the industries concerned the principles of national economy here represented."

The next document, Your Honors, is MI-3797 which can be found on page 19 of your document books, Your Honors, and on page 58 of the same

German document book, namely. May I mark it as Prosecution Exhibit 449.
May I be permitted to give a short explanation.

We saw in the evidence offered here that Goering had in mind to appoint Dr. Krauch Plenipotentiary General in the fields of powder, explosives and chemical warfare agents. However, this appointment did not take place right after the so-called Karin hall Plan was put into effect.

The next document which I just marked as Exhibit 449 shows that the defendant Krauch was very anxious to get these powers and here we see a document of Krauch's Office for Economic Development dated Berlin, 8 August 1938, and it deals with -- may I read the heading: "Reasons which up to the present have hindered the industry from speeding up production of the gunpowder and explosives plants." And we see right at the beginning of this memorandum that Krauch states that "The industry complains of the absence -- "underlined in the original German text -- "of a clearly-defined program for the construction of new explosives and gunpowder plants for mobilization requirements and supply and stockpiling."

On the same page 19, the second but last paragraph, at the beginning we find again the defendant Krauch stressing that industry complains of the lack of acceleration of expansion up-to-date. It is the defendant Krauch who stresses to Goering the necessity of a clearly defined program for explosives, gun powder, etc., and his support is the industry. Now, as I stated before, the prosecution has shown to a certain extent and will show that the industry concerned with these products is practically identical with I.G. Farben.

May I draw Your Honors' attention now to page 21 of your document book, which is still part of the Document NI 8797. This is a new rush plan.... I'm sorry, I did not give the German page. This can be found on page 61 of the German Document Book 20. On the 13th of August, 1938, only five days after the defendant Krauch had pointed out the necessity of acceleration of preparation in the fields of gun powder, etc., Krauch submitted a new plan, a new rush plan, for, again, gun powder, explosives and chemical warfare agents. Your Honors will recall that we have quite a series of such plans and I will shortly introduce a document which shows clearly the sequence of these plans. So I will not give any explanation at this time.

May I draw Your Honors' attention to page 22 of the English text, which is page 62 of the German document book 20. Here the defendant Krauch, on 13 August 1938, explains his new rush plan of the same day, and may I point out, as is shown in paragraph 3 of this page, I quote:

"The details of the rush plan have been adjusted and full agreement reached between the SKW (WStb)...", which is the military economy staff, "... (Supreme Command of the

Armed Forces - Military Economy Staff), the OKH (Wa A) which is (High Command of the Army - Army Ordnance Office Dept. A), and Dr. Krauch,"

At the end of the paragraph before, it is shown that Krauch wants to get the maximum increase under this rush plan by Autumn of 1939. Your Honors have seen, from the findings of the International Military Tribunal, that in Autumn 1939 Hitler started the World War.

On page 23 of your document book, which is page 63 of the German text, Your Honors will find an underlined paragraph. May I quote. It is the defendant Krauch speaking:

"The implementation of the rush plan will only be possible if very special (War emergency) powers are granted to the authority responsible for its execution."

We will very shortly hear that the office which was to be granted the authority was the defendant Krauch.

In the same page, in Note I, Your Honors will find the sequence of the three plans for gun powder, etc., in which, however, the fourth plan of 12 July 1938, the so-called Karinhall Plan, is omitted. It is omitted here because this Karinhall Plan with regard to explosives and gun powder was the same as the accelerated plan of 30 June 1938.

The next few documents which I want to offer in evidence now are introduced for the purpose to show that at the time that the defendant Krauch worked out plans for the German war machine he was in close contact with I.G. Farben and that there was a close connection between I.G. Farben and Krauch's office for Economic Development, the Reichsstelle fuer Wirtschaftsausbau.

The next document, NI 8973, which can be found on page

28 in Your Honors' English book and in the German Book 25, page 45, May I mark this document for Exhibit 450.

May I pause for a moment in order to give defense counsel an opportunity to get the text.

This document is an excerpt from the minutes of the 39th Meeting of the Patent Committee of I.G. Farben of 15 June 1938. Your Honors will see, at the bottom of page 28, this patent committee discusses the question whether I.G. Farben should give all the information to the Reichsstelle fuer Wirtschaftsausbau, Krauch's Office for Economic Development, and has certain doubts about the wisdom of passing on such information since this office might make such information available to competitors.

On the next page, it is on page 28-A, Your Honors will see the representatives of Farben on the patent committee treated this question in a more or less family way. They said they would speak to Dr. Krauch and find out from him directly whether they should give this information or not.

May I just point out to your Honors in the list of the persons present, the defendant Dr. von Knieriem is given as Chairman of this meeting of the patent committee. It can be found right under the heading of the document.

The next document NI 5752, which I want to mark as Prosecution Exhibit 451, can be found on page 29 of Your Honors' English document book and, in the German document book 24, Page 207. This document ...

THE PRESIDENT: It will be permissible to the Tribunal to pause when you change books to give counsel an opportunity to find it.

MR. CHARMATZ: Thank you very much, Your Honor.

This document is the minutes of one of these daily staff meetings as is shown in the top left hand corner,

which was held here on 14 July 1938. That is, at the time when Goering worked out the Karinhall Plan. May I point out that this original document bears the initial of the defendant von Schnitzler which is not noted in the English translation.

May I draw your Honors' attention to the bottom of page 31

MR. SPRECHER: Your Honors, may I break in here on one point? Sometimes it may be convenient, with Your Honors' permission, for us to pass a document to defense counsel to one of the defendants, where an initial comes into question, and if there is no dispute about the matter at that time, the practice has been followed in other cases merely to note that for the record. Now, in this case, I followed that procedure just to have a beginning and Dr. Gierlichs showed the photostat to the defendant von Schnitzler who, as I understand, acknowledged the initial.

THE PRESIDENT: The practice may be that counsel for the prosecution may call such facts to the attention of the Tribunal and, unless there is objection on the part of counsel for the defendant, we will accept the fact as established.

MR. CHARMATZ: At the bottom of page 31 of your document book, Your Honors, which is page 210 in the German text, we see that of the Legal Department a report was made on Jewish firms. May I read:

"Silcher reports about a conversation with Herr Dr. Krauch. Dr. Krauch has informed him that he has been told by competent gentlemen in the Reich Ministry of Economics, that the implementation decree III for the Reich citizenship law -- that is the Nuernberg law -- will not apply to the I. G.; it is well known that things are in good order in the I.G."

The prosecution wanted to read this excerpt because it shows that on 14 July 1938, when Krauch was busy working out plans for the German war machine, he informed his firms, his own firm, on matters of which he gained knowledge in the Reich Ministry of Economics to which, at that time, his Reich Office for Economic Development was formally subordinated. We will see later on, in the evidence which will be offered here, that Krauch kept close contact with I. G. Farben and informed them of several things which concerned his official capacity in the Reich Office for Economic Development.

The next document, which is NI 8791, can be found on page 34 of the English document book and on page 213 of the same German book as was

quoted before. May I mark this document 452. This document is an excerpt from a rather bulky file of the Reich Office for Economic Development. Your Honors will note at the top of the English translation, page 34, it says: "page 152 of original". This first excerpt here, which is dated 5 October 1938, is a report by the defendant Krauch on the progress of work in the period from 15 September to 1 October 1939 with regard to the military economic new production plan. I want to..... The chronological order is not quite correct, but I think it is more convenient to dispose of this document first. Here Your Honors will find that the defendant Krauch discussed all questions which were covered by the new military economic production plan with the competent military authorities and also, of course, with I. G. Farben which built the necessary plants.

May I point out, on page 36 of the English text, at the bottom, it can be found on page 222, of the German text, that discussions were held by Krauch, of course, also with the High Command of the Navy.

On the next page, which is page 36-A in the English text, German text 222, under the heading of "Chemical Warfare Agents and Preliminary Products", we find that the projects of Farben are mentioned and the defendant Krauch points out here:

"Both projects - diglycol expansion in Wölfen and Ludwigshafen -- have been punctually completed."

Completed on time.

The next page, 37 of the same document, which is page 223 in the German text, again in the chronological order comes in the same level as we stopped before, namely August, 1938. Here we see a report by Dr. C. Krauch, dated 19 August 1938, on the measures instigated for the implementation of the military economic new production plant for the period 1 August to 15 August 1938. May I point out here, Your Honors, Krauch refers here to the measures and the Exhibit 444 which was discussed here is exactly a document which contains some of these measures

which were taken by the defendant Krauch for the implementation of the military economic plan. May I draw Your Honors' attention to the similarity of the heading of the Document MI 7424, which is Exhibit 444, and the heading of page 37 in your document books. This shows the connection which the document introduced here before, has with the execution of Krauch's new military economic plan. Although the English terms are not always uniform, it can be seen from the original exhibits that the heading is absolutely identical.

May I here in this document, on page 37, point out the first two paragraphs and may I be even permitted to quote these two short paragraphs, Your Honor?

THE PRESIDENT: Very well.

MR. CHARWATZ: It is the defendant Krauch speaking:

"A draft of an order for the implementation of the Rush Plan that is the plan of 13 August and for the cooperation of the offices concerned of the High Command of the Army (Army Ordnance Office) and OKH (WStb)..." Military Economic Staff, "...was jointly agreed upon with General Becker and General Thomas.

"The Rush Plan for gun powder, explosives, chemical warfare agents and preliminary products was coordinated among the offices concerned and full agreement was reached through the complete acceptance of my proposals. It will be handed over by us jointly to the Generalfeld-marshal on 22 August."

Here, Your Honors, the prosecution contends, can be seen that the real instigator of these plans was the defendant Krauch. Both the army ordnance office of the OKH, of the High Command of the German Army, and the famous Military Economic Staff of General Thomas accepted completely the defendant Krauch's proposals. May I draw Your Honors' attention that this is in late August, 1938, merely a few weeks before the first invasion of Czechoslovakia.

It may be interesting to note that in the same document, the defendant Krauch...may I draw your attention to page 39-A and 40 - also goes into great detail what the firms say about the building projects. About in the middle of page 39-A of the English text, it is on page 234 of the German text, we find the heading "Position of Individual Building Projects." Your Honors will first find the further caption: "DAG reports". That is the Dynamit-Nobel Aktiengesellschaft which, as was shown here before, was part of the Farben concern. The DAG reports on certain plants. On page 40, we find "DAG and DSC state:" This is the DAG and DSC stands for Deutsche Sprengstoffe. Your Honors will find the name of this company in Document NI 10030 which was a chart, which was previously offered in evidence here, and may I just give the exhibit number for identification, with Your Honors' permission. It was Exhibit 48. The next firm which is mentioned in Krauch's report, one paragraph down, is the WASAG states. Your Honors will recall that in the same Document NI 10030, Exhibit 48, the firm WASAG is given as an I. G. and Dynamit Nobel subsidiary and, at the end of this document, we see what I. G. proper states. Now, may I be permitted to point out that the prosecution did not make any excerpts omitting other firms. This did not omit any other firms which also stated. This shows that only I.G. and I.G. subsidiaries were quoted in this report.

The next document, NI 8197.....

THE PRESIDENT: If counsel will pardon an interruption. We will rise at this time for our noon lunch period.

(A recess was taken until 1330 hours, 17 September 1947)

AFTERNOON SESSION.

THE MARSHAL: Persons in the court room will be seated.

The Tribunal is again in session.

MR. CHARLATZ: May it please the Tribunal, I finished at the end of this morning's session the Document NI-8791 which was marked Exhibit 452.

The next document, NI-8917, which I want to mark Prosecution Exhibit 453, can be found on page 41 of the English document book, and in the German document book 20, page 68. This document is again an excerpt from a file of the Reichsstelle fuer Wirtschaftsausbau (The Reich Office for Economic Development), and I would like to point out several pages in the translation.

May I first draw Your Honors attention to page 46 of the document book, which is page 76 of the German text? This document, which originates again from the Reich for Economic Development, and is stamped "top secret", discussed the creation of a Chemists' Officers Corps. Here the Reich Office for Economic Development suggests that, for the purpose of chemical warfare, such a special officers' corps be created. And may I just point out, on page 46, at the end of paragraph 3, the last sentence which reads, if I may quote: "Defamation which certainly exists - - " it refers to chemical warfare -- "is a sign sentimental lack of discrimination."

May I also draw Your Honors attention to the last part of paragraph 4, which is underlined in the original German text, in which Krauch's office says that the chemical weapon should insure a superiority for Germany.

May I just point out that the original document, the file, has the following title "Exploitation of German Chemical Industry for a Decisive Warfare." In German: Ausnutzung der deutschen Chemischen Industrie, fuer eine Entscheidungssuchende Kriegsfuehrung.

The next page, 48, in the English document book is a "top secret"

The next page, 48, in the English document book is a "top secret" document, likewise from Krauch's office; and in the sixth paragraph of this document we find reference again that Krauch summarize the warlike powers which he needed for the execution of his rush plan. This detailed memorandum referred to here in the sixth paragraph is document NI-8797 which was introduced before as Exhibit 449. It might be useful to Your Honors for cross-reference.

The next page, 49, of the same document can be found in the German document book on pages 79, 80 and 81, is an order signed by Goering on 22 August 1938. In this order of 22 August 1938 Goering says in the first paragraph that the execution of the new rush plan-- I quote. It is the fourth line in paragraph 1 " . . . is entirely entrusted to Dr. Krauch."

May I quote on? He, therefore, is fully responsible for the execution of the program within the time set and for procuring the means required incidental thereto (money, steel, building materials, labor, etc.)"

The second paragraph of this military order of Goering's shows the distribution of the tasks between the defendant Krauch and the OKH, or OKW. We see, under Numeral II-A that the program and planning is "Dr. Krauch's responsibility and only the actual construction of plants will be carried out by the OKH, the High Command of the Army, and its section, the Army Armament Office."

Under numeral III Your Honors will note that Dr. Krauch created a special Building Staff for which the Supreme Command of the Army delegated a permanent representative, and that Dr. Krauch also had a liaison officer with the OKH, the Command of the German Army.

May I draw Your Honor's attention to the fact that this order of 22 August, 1938, of Goering's does not mention that the defendant Krauch was appointed plenipotentiary general for these special tasks.

In a document which I am going to introduce later, Your Honors, will see that in addition to this order Goering issued a special decree on the same day, also 22d August 1938, appointing Krauch Special Plenipotentiary of the Four Year Plan.

The Prosecution contends that this order, the form of an order, was chosen in order to make Krauch's position clear to the form of an order, was chosen in order to make Krauch's position clear to the military authorities; for the field of the Four Year Plan and general governmental administration a special decree was issued, as will be shown later on.

The next document, Your Honors, is NI-7835, which I want to mark Prosecution Exhibit 454. It can be found on page 51 of the English text and in the German Document Book No. 20 on page 42. This document originates from the Raw Materials section of the Wilruo-Amt of General-Thomas's office. It is dated 15 July 1940, and it is introduced for the purpose of showing how the defendant Krauch out plans for the production of gunpowder, explosives, and chemical warfare agents.

May I call Your Honor's attention to paragraph 3 of page 51, which can be found at the bottom of page 42 in the German document book? And may I be permitted to quote the first sentence?

"In view of the strained political situation in the autumn of 1938 and the demands thus created in the sphere of gunpowder, explosives, and chemical warfare agents, it seemed desirable to extent and, above all, to accelerate the former planning." End of quote.

And may I point out the last paragraph on this page which shows that it is always General Thomas's office speaking -- that Dr. Krauch received special authority from Field Marshal Goering and that the control of this rush plan was in Dr. Krauch's hands? The execution was divided between the Krauch Office, the army high Command, and the OKW. In this document Your Honors will also find how the planning for gunpowder, explosives and chemical warfare agents begun by Dr. Krauch

in '38 continued up to July 1940.

The next topic I want to cover now is paragraph 31 of the indictment--I beg Your Honor's pardon. I did not state this morning that in this connection I would like to refer to a document which is contained in Document Book 12, and may I perhaps, after the recess, come back to this one topic in order to give Your Honors time to get this document book? It is entirely my fault.

THE PRESIDENT: Is it a document already in evidence?

MR. CHARWATZ: It is entirely in evidence. It is Document PS-1301 which was, if I am not mistaken, our Exhibit 401.

THE PRESIDENT: Very well.

MR. CHARWATZ: I therefore will also ship any reference to the next document in the book, NI-4193, which is exhibit 401.

THE PRESIDENT: Do you intend subsequently to come back to this document?

MR. CHARMATZ: Yes, Your Honor. The next document, EC-282 which I want to mark as Prosecution Exhibit 45, is as is shown on page 56 of the English document book and in the German document book 20, page 83, a work report of the plenipotentiary general of the Minister President Field Marshal Goering, Dr. C. Krauch, before the General Council (Generalrat).

This document's date is shown on page 59 as the end of April 1939. That is shortly after the invasion of the remainder of Czechoslovakia on 15 March 1939. In this report the defendant Krauch gives a full picture of his efforts to step up the German war potential particularly to increase the production of gunpowder, explosives, and chemical agents, and all the other materials which were covered by this new military-economic plan of 12 July 1938.

May I just point out on the pages 106 and 107 this long report which can be found in the German text on pages 178 and 179? The defendant Krauch summarizes the position of Germany. May I be permitted to read into the record those two last paragraphs on pages 106 and 107? "It is essential for Germany to strengthen its own war potential as well as that of its allies to such an extent that the coalition is equal to the efforts of practically the rest of the world. This can be achieved only by new, strong and combined efforts by all of the allies, and by expanding the greater economic domain corresponding to the improved raw material basis of the coalition, peacefully at first, to the Balkans and Spain."

And the last paragraph: "If action does not follow upon these thoughts with the greatest possible speed, all sacrifices of blood in the next year will not spare us the bitter end which already once before we have brought upon ourselves owing to lack of foresight and fixed purposes."

It was just pointed out to me, Your Honors, in the last paragraph of page 106 I read "greater economic domain." This in German

reads "Grosswirtschaftsraum." We will find this German expression again in Count 2 in Spoilation. This was the typical terminology of the Third Reich for their expansion and search for Lebensraum.

Only one more thing on page 104, before the defendant Krauch summarizes, he also analyzes the political situation. Your Honors will find, under the heading "Conclusion" on page 104; it is page 173 of the German text. May I be permitted to read two sentences of this paragraph?

"Then, on 30 June 1938, the objectives or the increased production in the spheres of work discussed here were given by the Field Marshal it seemed as if the political leadership could determine independently the timing and extent of the political revolution in Europe, and could avoid a rupture with a group of powers under the leadership of Great Britain. Since March of this year there is no longer any doubt that this hypothesis does not exist anymore."

May I be permitted to point out, Your Honors, the date: "March of this year"; March 1939 as the occupation of the remainder of Czechoslovakia on 15 of March 1939. The Prosecution contends that this paragraph makes it clear that if there should have been any doubt in the defendant Krauch's mind still in June or July of 1938, he states here himself that there was no longer any doubt that such a hypothesis did not exist anymore, namely, that it would not come to a showdown, a war.

The next document, NI-6783, which I want to mark as Prosecution Exhibit 456, can be found on page 108, and in the German Document Book 20 on page 180. This document, again, is introduced for the purpose of showing what the relationship of Dr. Krauch was with I.G. Farben. This document, NI-6783, is an excerpt of minutes of the Monday conference of the Technical Committee, on 8 May 1939.

MR. CHARMATZ: Your Honors will recall that when the witness Dr. Wagner was on the stand he referred to the so-called "Small TEA" meetings. As is seen from this document, Dr. Struss reports on a special meeting of Main Group I, on 28 April 1939 and states that since Dr. Krauch's time is very much taken up by his activity in the Reich Office for Economic Development, Dr. Schneider will in the future deputize for Dr. Krauch in the latter's capacity as leader of Main Group I, that is, Sparte I. From this, the prosecution contends, it can be seen that the defendant Krauch maintained up to the end of April 1939 his full position within I.G. Farben as head of Sparte I and we think it is significant that only on 28 April 1939, one day before this report of the General Counselor of the Four Year Plan was made, Dr. Krauch appointed a formal deputy to his most important function in I.G. Farben. I think the chronological link is rather striking. At the time when the defendant Krauch realized the situation beyond any doubt he wanted to devote his full time to the task of arming Germany.

The next documents which follow in Document Book 21 are introduced primarily to show that the defendant Krauch, shortly before war broke out and also during the war, held a very important position in the German Government and also in the German military organization.

The next document NI-1237 which I want to mark as Prosecution Exhibit 457 is a letter addressed to Dr. Todt, at that time General Plenipotentiary for construction planning of the Four Year Plan. Later on Dr. Todt became the first German Minister for Weapons and Ammunition. In this letter of 31 August 1938 Dr. Todt stresses that in the field of the Plan Krauch as is seen in the subject

of this letter, preferential labor allocation should take place and may I be permitted to point out the date of this letter? On the day before the outbreak of the war that the air-raid protection is mentioned here.

May I point out that the English translation gives 1938. It should read 1939. It's one day before the outbreak of the war. The German copies are correct.

The next document NI-1526 I want to mark as Prosecution Exhibit -- I am sorry, your Honor -- 458. It can be found on page 110 of the English Document Book and in the German text, Book 20, page 192. On page 110 the heading of the document contains a mis-translation. The underlined heading, "List of Express Projects Planned to be Extended" should read "to be continued". I think this is clearer and I am sure that the defense will not object. Your Honors will note from this document that on 5 September 1939, that is, four or five days after the outbreak of the war, Professor Krauch, as Goering's Plenipotentiary General drew up a long list of projected plans which were to be continued in event of an emergency. We will see from other documents that at the end of August already the defendant Krauch did certain research, what was necessary to be done in case of mobilization. Your Honors will see that this list of factories which were -- whose construction was the defendant Krauch's responsibility, contains several hundred names. May I point out that many of these plants mentioned here in Krauch's program are plants of I.G. Farben, DAG, etc.

The next document NI-8796 which I want to mark as Prosecution Exhibit 459 can be found on page 132 of the English Document Book and page 211 of the German Document Book 20. This document is a report -- may I repeat the German reference? It's the German Document Book 20, page 211.

This document is a report of the defendant Krauch dated as of 16 October 1939. That is shortly after the outbreak of the war, on his achievements in the execution of the new military economic production plan of 12 July 1938 and the Rush-Plan of 13 August 1938. I am not going to quote any thing from this document.

The next document, PS-1457, which I want to mark Prosecution Exhibit 460, is a list of files of General Thomas, the head of the Wi-Rue Amt., which shows important discussions which General Thomas held with Prof. Krauch. May I draw your Honors' attention to page 141, the fourth item, a memorandum on discussion of General Thomas with Prof. Krauch and Chief of Army Ordnance Office (Heereswaffenamt) Gen. Becker on 17 November 1939 when the iron and steel quotas from the Krauch plan were discussed.

Your Honors will note that ever since 1939 the Karinhall Plan was termed Krauch Plan in more or less all German official documents. On page 142 at Item 25, your Honors will find again a discussion between the defendant Krauch and Gen. Thomas and also on page 145 at the end of Item 35 we find the Krauch Plan mentioned.

The next document, NI-7570, which I want to mark as Prosecution Exhibit 461 can be found on page 153 and in the German Document Book 25, page 47. May I pause for a minute to give the defense time to look for it?

This document NI-7570 is a memorandum of a conference at Gen. Thomas' on 17 November 1939 on the increase of the iron and steel quotas for the implementation of the Krauch Plan. Your Honors will note that this is the transcript of the conference to which we referred before in Exhibit 460 on page 141 of the English Document Book and may I request your Honors to revert to page 141 of the Exhibit

460 where it is shown that the result of this conference was a memorandum to the Fuehrer. We see that the conferences in which Krauch, the defendant Krauch, participated with the most important specialists of the German High Command resulted even in memoranda of the Fuehrer and that is no question of any low-level discussions.

Your Honors will note on page 158, which is page 48 of the German text, that with the exception of Prof. Krauch and Dr. Zahn, who was an employee of the Heereswaffenamt, the Army Ordnance Office, only Generals, Colonels and one Major were present. I am not going to quote anything from this document. Your Honors will see that the defendant Krauch discussed here with the key military men all the problems for warfare and as is shown on page 167 it was Prof. Krauch who investigated them and submitted later on suitable proposals. This shows clearly the leadership of the defendant Krauch in these matters.

The next document NI-7132 I want to mark as Prosecution Exhibit 482. It can be found on page 169 of the English text and in the German Document Book 21 on page 1.

May I pause for a moment? This document NI-7132 is a decree of Goering's, dated 5 December 1939 and the subject is, as shown on page 169: "Re-organization of the Reichsstelle for Economic Development." May I just read the first -- paraphrase the first sentence? It shows that Goering thought that the special circumstances of the war made it necessary to re-organize the Reichsstelle for Economic Development and to re-name it now on account of its increased importance "Reichsamt." The English translation does not show any difference. I want to point out that before December 1939 the official German name of what we call here the "Reichs Office for Economic

Development" was "Reichsstelle fuer Wirtschaftsausbau"
and after 5 December 1939 the official German term is
"Reichsamt." This distinction does not show in the
English translation.

On page 171 under Item 6 and may I quote? It's Goering's speech:

"I agree to it, that my General Plenipotentiary for special questions, Prof. Dr. Krauch be entrusted temporarily with the direction of the Reichsamt."

May I be permitted to explain here only two things? Number 1; already long before December 1939 the real Chief, as is shown from the documents which we introduced, was Dr. Krauch and Dr. Krauch kept this position which is termed "temporary" here from 1939 up to the end of the war. The official Chief of the Reichsamt fuer Wirtschaftsausbau before December 1939 Col. Czimetis, whose name shows up in our Document NI-523 -- may I be permitted to look up the Exhibit Number, your Honor? I am sorry, your Honor, I will have to give you the exhibit number after the recess. The official Chief Col. Czimetis is not shown in any of the documents which we introduced this morning and this afternoon. From the distribution lists your Honors will see it's always Prof. Krauch and, of course, Goering or the State Secretary Koerner, to whom all these plans went.

The next document,, NI-820, which I want to mark as Prosecution Exhibit 463 can be found on page 172 and in the German Document Book 24, page 25. May I pause for a minute? I am sorry I do not know whether I gave the page number correctly. The page number is 259 in the German text. This document is a letter of the Reichs Ministry of Economics to Prof. Krauch outlining the jurisdiction of the Reich Office for Economic Development and of the Plenipotentiary General for Special Tasks of Chemical Production. May I draw your Honors' attention to the end of the first paragraph on page 172. It's in the German text on page 260. Here several decrees are mentioned and among others a decree of August 22, 1938 on the appointment of the Plenipotentiary General for Special Questions of Chemical Production. This is the decree to which he referred before as the official decree of the Four Year Plan appointing the defendant Krauch Plenipotentiary

General. The order of the same date of 22 August 1938 was only a military order in order to make Dr. Krauch's position clear in relation to the Army.

The next few documents are introduced primarily for the purpose to show the importance of the so-called "Krauch Office" as it was called later, that is, the combined office of Krauch, both in his capacity as head of the Reichsamt Fuer Wirtschaftsausbau and in his capacity as Plenipotentiary General.

The next document is NI-4952 which is Exhibit 464. This is an affidavit of Dr. --- I am sorry, I did not give the German location -- it's in the German Document Book 21, page 4; in the English text, page 178. In this affidavit Dr. Felix Ehrmann, who was the Deputy Manager of the Economic Group Chemical Industry of Germany, describes how closely inter-linked the two functions of the Plenipotentiary General and the Reichs Office for Economic Development and in the fourth paragraph Dr. Ehrmann stated: May I quote this one sentence?

"The vast majority of these people acting on an honorary basis were approximately up to 90% of their total number representative of I.G. Farbenindustrie."

This refers to the fact the defendant Krauch employed in his office mostly so-called "honorary collaborators" which came from the German chemical industry and it's shown here that approximately 90% of the total number came from I.G. Farben.

The next document, NI-2879, which I want to mark as Prosecution Exhibit 465, is a report of the Reichsminister and Chief of the Reichschancellery to the Reichsminister of Economics, Dr. Funk. This document can be found on page 180 and on page 180 and on page 5 of the German Document Book. In this document the Chief of the Reichschancellery Dr. Lammers, Reichsminister Lammers, transmits to Reichsminister Funk that there were enormous complaints about the Reichsamt Fuer Wirtschaftsausbau and may I point out on page 181, the last paragraph

before the second, it's Willhun, who was a high official in the Reich Chancellory, who writes this:

"The sender is obviously well-informed. He exaggerates though, yet he gets down to the essentials. Also elsewhere, opinions to the same effect have been voiced."

Your Honors will see that on page 180 about line 7 of the text of the note, it was complained that about 70% of the personnel of Krauch's office were I.G. Farben employees.

The next document, NI-7474 which can be found on page 182 and in the German document book XXV on page 66, will be marked Prosecution Exhibit 466. This document are excerpts from the files of the records of the meetings of the General Council of the Four Year Plan during the War.

Your Honors will see from this document that the defendant, Krauch, participated in practically all of these meetings and that he made various reports on his activities to this high board of German governors.

May I draw Your Honors' attention to page 183 of the English document book? It is page 67 of the German document book. The fourth name from the bottom is Reich Cabinet Counsellor Dr. Willuhn. This is the official whom I mentioned before as initialling the exhibit of 465.

The last document in Document Book XXI is NI-4714 on page 197 which can be found in the German text in Book XXI, page 7. I want to mark this as Prosecution Exhibit 467. May I point out, Your Honors, that in the English translation the date of this memo at the bottom of the document is omitted. It should read 13 April 1940. The German mimeograph is correct. This document is introduced solely for the purpose in order to show that the word "Krauch" during the War was used as a key word for certain war essential transports and Your Honors will see his name was used together with the name, "Speer", who was the German Minister of Armament. I think this juxtaposition alone is quite significant. May I inquire, Your Honors, whether you could obtain already Document Book XIX?

THE PRESIDENT: If our offices can locate them, we can obtain them now. Do you have them now? We do have them.

MR. CHARNITZ: Thank you. May I now refer to page 64 of the English Document Book XIX. The German can be found in Book XIV, page 81. I am referring--

THE PRESIDENT: Just a moment, Mr. Prosecutor. Give Counsel an opportunity to locate their books.

I believe you may proceed now.

MR CHARLITZ: This document -- yes it is in the German Document Book XIV, page 81.

THE PRESIDENT: There seems to be some difficulty. Will you informally check that with Counsel for the Defense?

MR. CHARLITZ: This document is referred to here primarily to cover the allegations made by the Prosecution in paragraph 31 of the Indictment. This is a report on a speech delivered by Field Marshal Goering on 14 October 1938 in the Reich Air Ministry. The date is shortly after the invasion of the Sudeten area of Czechoslovakia. May I be permitted to quote some short excerpts from this speech. Page 64, the beginning of the speech:

"General Field Marshal Goering opened the session by declaring that he intended to give directives about the work for the next month. Everybody knows from the press what the world situation looks like, and, therefore, the Fuehrer has issued an order to him to carry out a gigantic program compared to which previous achievements are insignificant."

And in the third paragraph of this document, the third sentence, Goering continues -- or the report rather continues:

"We received the order from the Fuehrer to increase the armament to an abnormal extent, the Air Force having first priority. Within the shortest time the Air Force is to be increased fivefold; also the Navy should get armed more rapidly, and the Army should procure large amounts of offensive weapons at a faster rate, particularly heavy artillery pieces and heavy tanks. Along with these manufactured armaments must go especially fuel. -- "

The word "rubber" is omitted in the English translation, Your Honor. May I ask you to put in after "fuel" -- "rubber, powder and explosives are moved into the foreground. It should be coupled with the acceleration construction of highways, canals and particularly the railroads."

May I point out that all these products mentioned here as fuel,

rubber, powder and explosives were parts of the Karinhall Plan which was the defendant's -- Krauch -- responsibility.

On page 66 of this document which is at the bottom of page 84 of the document this last paragraph was quoted in the opening speech by General Taylor. This shows the program to swallow the remainder of Czechoslovakia and the program that Czechs and Slovaks should form German dominions in the near future.

Your Honors will recall that in Document Book XXI I omitted to introduce the document 4193, NI-4193, which can be found on page 55 of the English text and in the German text, Book XX, page 82. May I mark this document now Prosecution Exhibit 468. This document is an affidavit of State Secretary Paul Koerner stating that on 14 October 1938 a meeting took place at the Reich Air Ministry where General Field Marshal Goering spoke, and that the defendant, Krauch, was present at this meeting. This finishes the Document Book XXI. There is only one more thing. When I mentioned the document, NI-523, which shows the name of Colonel Czimatis as the official head of the Reich Office for Economic Development, I had not the exhibit number at hand. It is Exhibit 435.

THE PRESIDENT: Now in connection with what exhibit number was that mentioned, please?

MR. CHARLITZ: It was mentioned in connection with the Exhibit 462 which is NI-7132, the decree of Goering. It is to be found on page 169 of Document Book XXI.

THE PRESIDENT: Now give us again the exhibit number.

MR. CHARLITZ: The exhibit number is 435, for the chart NI-523.

THE PRESIDENT: Thank you very much.

MR. CHARLITZ: The next document book XXII starts with Document NI-1527 which can be found in the German Document Book XXI, page 9. May I mark this document Exhibit 469. This document which is a report of the defendant, Krauch, in his capacity as Goering's Plenipotentiary

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General dated 18 May 1940 is introduced here to show that during the War the defendant, Krauch, continued his function as chief of all constructions in the field of explosives, powder, and so on.

The next document, NI-7294, which I want to mark 470 can be found on page 5 and in the German text, Book XXI, page 13. This is on page 4, is a letter of the Supreme Command of the Wehrmacht, the Economic Armaments Office of 14 June 1941 showing again that the code name "Krauch" was used for the most important transports in the field of military economy.

The next document, NI-7291, which I want to mark as Exhibit 471, can be found on page 7, and on page 15 of the German document book. This document is a memorandum for the files by General Thomas on a report given at the headquarters of the Reich Marshal on 26 February 1941. The report is signed by Thomas. May I point out that the German mimeograph contains a clerical error. It says "Jhomas" instead of "Thomas". It should read "Thomas" T-h-o-m-a-s. In this document General Thomas outlines the instructions given to him by Goering concerning the planned invasion of Russia, and may I draw Your Honors' attention to page 8, item 5, The Krauch Plan. "In connection with the discussion of the planned invasion of Russia, the Krauch Plan also is stressed accordingly."

The next document, EC-200, which I want to mark 472, can be found on page 10 and in the German text XXX in Document Book XXIV, page 269. This document is a file note for General Thomas from his Armament Department of the Military Economy and Armament Staff dated 4 October 1941. This is a few months after the invasion of Russia. The document before was of 27, end of February, 1941, four months before the actual invasion of Russia, and this document is dated about three months after the invasion actually took place. Hereby the question of manpower is discussed by the Military Economic and Armament Office of the OKW together with the question of Russian prisoners of war as is shown in

the last line of page 10, and Your Honors will note under Roman Number I that the Krauch Plan is mentioned here again among the first plans to have special priorities.

The next document, EC-489, which can be found on page 12 and in the German book XXI, page 18, should go in as Prosecution Exhibit 473. This document is a letter of Lt. Col. Kirschner in the staff of the Plenipotentiary General for special questions of Chemical Production, Dr. Krauch, dated 20 October 1941 in which Lt. Col. Kirschner writes to General Thomas and may I be permitted to quote one, the middle paragraph of this letter. It is Lt. Col. Kirschner writing to General Thomas.

"During my visit Professor Krauch developed an idea concerning the employment of Russian prisoners of war in the armament industry, for the further development and, especially, the execution of which he considers you, dear General, to be the right man."

Here we see the defendant, Krauch, developing his own ideas how to use Russian prisoners of war in the armament industry. The German word is -- war armament -- "Kriegsruestung", so there is no doubt that this is not the general expression which was used in the Third Reich Armament for even secondary armaments as raw materials, steel and iron.

In the last paragraph Lt. Col. Kirschner mentions a short note of the ideas of Professor Krauch enclosed with this letter. The Prosecution is not in possession of this note.

The next document, NI-8915, should go in as Prosecution Exhibit 474. It can be found on page 13 of the English text, in the German Document Book XXI, page 19. This document is a report on the chemical production plan within the Four Year Plan. May I draw Your Honors' attention to the last paragraph on page 13 which shows what enormous amounts of raw materials and what enormous amounts of money were involved in the defendant, Krauch's responsibilities. It states here that 13.25 million tons of iron were used and a total investment of approximately 16 billion marks were made. All this in the field of the so-called

chemical production plan.

On the next page, page 14, at the beginning of the second paragraph it is shown that approximately 8 hundred thousand workers were constantly employed within the chemical production plan. This only in order to show how important the position of the defendant, Krauch, was during the War.

The next document, NI-5934, which should go in as Prosecution Exhibit 475 can be found on page 19 of the English text, in the German text, Document Book XXI, page 30. On page 19 the subject of this letter should be corrected, Your Honors. It states here: "Subject: Socialists appointed by the Plenipotentiary General." I think the translation should better read "Technical Experts." Although even this might not be the exact translation. It is very difficult but it is shown from the attached document that the defendant, Krauch, had under his orders a great number of outstanding German industrialists which were appointed by him in accordance with an agreement with the Ministry of Economics.

Your Honors will note on the pages 20 through to 26 names of several of our defendants here in the dock, on page 20, Director Jaehne, the defendant, Jaehne, of I. G. Farben Industry, and later on also the defendant. Ambros on page 22 at the bottom of the page and also under "E" on the same page in the middle of the page the defendant, Wurster, Director Dr. Wurster of I.G. Farben in charge of smoke screen materials, on page 23 again the defendant, Ambros, and so on. We find the name of defendant Ambros several times, also the name of the defendant, Wurster, and the name, Buergin. On page 28 the second but last name is H. Buergin, the defendant, Buergin.

THE PRESIDENT: If you have finished with Exhibit 475 --

MR. CHARNITZ: I have, Your Honor.

THE PRESIDENT: It is the approximate time for our afternoon recess.

MR. CHARNITZ: Thank you, Your Honor.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

MR. SHARMATZ: May it please the Tribunal, the next document can be found on page 29, in the German text, book 21, page 40. The document number is NI 1336 which I want to mark Prosecution Exhibit 476. This document is a letter of the defendant Krauch's office, dated Berlin, 9 August 1943, and the subject of this letter is "Measures for bringing back to work those French workers who have been recruited by individual enlistment and have broken their contracts." This document, as is shown on page 31 in the English document book, page 42 of the German text, suggests to all plants and construction managements under the jurisdiction of Krauch a certain form to get foreign workers back who broke their contract. Your Honors will note, on page 31 of the paragraph consisting of four lines, in the last third of the page, that, in this form which is suggested by Krauch's office for Economic Development, the request is made to start a search and to escort the worker back to his place of work. The details of such measures will be brought out here in Count III, namely, on forced labor.

The next document can be found on page 33 of the English text, and in book 24 of the German text, page 271. This document, NI 7569, would go in as Prosecution Exhibit 477. It is a letter signed by the defendant Krauch, dated 13 January 1944, addressed to the chief of the raw materials office in the Reich Ministry for Munitions and War Production, President Kehrl. On page 33 Your Honors will find a sentence underlined in the English translation, which is underlined also in the German original text, in which the defendant Krauch thanks the armaments office for the strong support he got with regard to his applications for manpower.

On page 34, in the last paragraph of this letter, Your Honors will note that the defendant Krauch stresses his own

initiative which he took in order to employ certain classes of manpower such as, and I quote: "Prisoners of war, inmates of concentration camps, prisoners, units of military pioneer corps, etc." And, in the last sentence, may I quote, the defendant Krauch says:

"I consider that the initiative displayed by my staff in the procurement of labor, a virtue which has proved its worth in the past, must not be repressed in future."

Here again we find the defendant Krauch stressing his own initiative in procuring labor such as, as we saw above, prisoners of war, inmates of concentration camps, and he requests that such a virtue should not be repressed in the future.

The next document which can be found on page 35 of the English document book, in German document book 25, page 12. deals likewise with the activities of the defendant Krauch as plenipotentiary general in the field of labor allocation.

JUDGE MORRIS: Is that Exhibit 478?

MR. CHARNATZ: I am sorry, Your Honors; this should be marked Exhibit 478,

In this memorandum of Krauch's office, dated 13 February 1944, Krauch's office gives a report on a discussion with Gen. Weeger, who was the chief of the Armament Office of the Speer Ministry, the German Ministry of Armament and War Production. Your Honors will note, on page 37, Item 8, the heading Foreign Labor Recruited for Gebochem (which is Plenipotentiary General for Chemistry) must not be assigned for any other purposes.

Here again we find the defendant Krauch trying to keep the foreign workers which were obtained through his own initiative.

The next document, NI-7572, which should go in as 479, can be found on page 41 of the English text; German text 21, page 45. This document again treats the question of manpower of Krauch's office. The document is a letter of the defendant Krauch dated 12 May 1944 addressed to Reichminister Speer--and Your Honors will find, on page 53, in the first paragraph at the top of the page, showing the defendant Krauch writing to Minister Speer, asking him to do his best that 1,700 inmates of the concentration camp Auschwitz should be struck off the list of men to be transferred to another field of production.

THE PRESIDENT: Pardon me, counsel, just to keep the record straight I think you meant to say page 43--instead of 53.

MR. CHARNATZ: I did, Your Honor. Page 43. I am sorry, Your Honor.

The exhibit was 479.

The next document, NI-7571, which would go in as Prosecution Exhibit 480, can be found on page 44 of the

English text, and in the German document book 24, page 273. This document also treats the involvement of the defendant Krauch in the question of slave labor. This document is a letter of the defendant--I am sorry--is an excerpt of a memorandum on negotiations in connection with the withdrawal of builders from the chemical production plant for the fighter program.

On 16 May 1944 a meeting took place in which Reich Minister Speer and several of his key officials, together with Prof. Dr. Krauch, discussed the question of transferring certain classes of workmen to other production programs. On page 44, Item 3, in the fourth line from the top, Your Honors will note that again the defendant Krauch discusses here with officials of the other sectors of war production the question of manpower, including the 1,700 concentration camp inmates which were from Auschwitz, mentioned in the documents before.

The next document, NI-2972, should go in as Prosecution Exhibit 481. It can be found on page 47 of the English text, and in the German Document Book 21, page 48. This document is an affidavit of the defendant Krauch. May I be permitted to read only two short sentences from this affidavit? First, under numeral 2: "In my official capacity as plenipotentiary (Generalbevollmaechtigter fuer Sonderfragen der Chemischen Erzeugung) I was the highest authority in passing judgment regarding the allocation of labor for the individual plants of the chemical industry. This labor included, in addition to German workers, foreign workers, prisoners of war and inmates of concentration camps."

And, under numeral 4, the first sentence, I quote: "I was aware of the fact that from the year 1942 on, workers were recruited in occupied countries on an involuntary basis."

May I draw Your Honors' attention to paragraph 7 where the defendant states, that is on page 48, that he was present at the meeting of the Forty-Third Conference of the Central Planning Board, in which the question of additional labor for the Buna work at Auschwitz was discussed. The next document, NI-5821, should go in as Prosecution Exhibit 482. It is in the English text on page 50; in the German text on page 53 of Document Book 21--the same document book as we had before.

This document is an interrogation under oath of Albert Speer, former Minister of Armaments and War Production of the Third Reich. May I draw Your Honors' attention to a mis-translation in this document which occurs several times? On page 50, under the words which are indented "(page 2 of original)" five lines down, Your Honors will see "nationalized I.G." Could Your Honors find this quote? This reads in German "Verstaatlichte I.G." Now, may I explain here, what is meant is not that I.G. was nationalized, that I.G. was passive; it is meant to be that I.G. was active, and actually acted as the government, and therefore this should more properly be translated as "I.G. promoted to government status." This translation was used in the indictment, as Your Honors will recall.

May I draw Your Honors' attention to the bottom of page 51? Here the question is put to Albert Speer:

"Could you now tell me in what sense and for what purpose you have used the expression that the Reich Office for Economic Development is an 'I.G. promoted to government status'?"

Answer: "Since the I.G. Farben had the monopoly for the expansion of production of these raw materials, and the Office for Economic Development had the same task, I chose

the expression that the Office for Economic Development had been a sort of "now again--" 'I.G. promoted to government status' in comparison with the self-responsibility of industry which was led by me."

Albert Speer, who was a defendant before the International Military Tribunal, speaks here of the so-called self responsibility of the industries during the latter stages of the war. The Third Reich found out that the Wehrmacht after all was not efficient enough to direct the production of armament, just as Goering had found out already in June of 1938, after the defendant Krauch had come to see him, that the army ordnance office had not done its best to fulfill the demands of the Wehrmacht in the field of explosives, gun power and chemical warfare agents.

Under the leadership of Minister Speer a system of self responsibility of industry was developed in Germany, which led to the organization of the production of armament, that it was not a Government agency which directed the production of armament, but Boards of industrialists. I think we do not want to take up too much time. This thing we will take up at a later stage of this trial. Was I clear, Your Honor?

The next document NI-656 should go in as prosecution exhibit 483, it can be found on page 59 of the English text and on page 65 of the German text book 21.

DR. HEINZELER: In Document 482, the interrogation of Albert Speer, there is in the German text the expression "Eine Verstaatlichte I.G." The prosecution has pointed out that this expression was translated in the document which the Tribunal has before it with the words "a nationalized I.G." He also said that according to the opinion of the prosecution the translation would be better "I.G. promoted to Government status." I should like to be able to explain to the Tribunal that the defense should like to reserve the right to come back to the correct translation of this very difficult expression and we will try to reach an agreement with the prosecution as to the proper translation.

THE PRESIDENT: The Tribunal understand that the defense is not bound by the attempt of the prosecution to be helpful in the matter of the translation and we shall be very happy to have your observations

on that subject if you are unable to agree with the prosecution as to the appropriate translation.

MR. CHARMATZ: The document NI-656, which I offer in evidence as Prosecution exhibit 483, is a letter of Lt. Col, Kirschner on Professor Krauch's staff, dated 25 October 1941. It is addressed to the defendant von Schnitzler and I would like to draw Your Honor's attention to the middle paragraph of this letter in which Lt. Col, Kirschner thanks Dr. von Schnitzler of the I.G. Farben industries for having made available so far and without exception, proven exception, valuable help by furnishing personnel to the office of the plenipotentiary general. Your Honors will find in other documents that I.G. Farben put their personnel at the disposal of Krauch's office and also continued to pay this personnel.

The next documents, which will be introduced now should show how I.G. Farben and in particular the defendants Karl Krauch and Hermann Schmitz tried to be agreeable to Hermann Goering, the commission of the Four Year Plan, who had appointed the defendant Krauch to such an influential position in German government and business.

The first document NI-682, which should go in as Prosecution Exhibit 484, can be found on page 60 and in the German document book 24, page 278. At the top of page 60, the date 31 March 1932 should be corrected to 1938. This document shows how I.G. Farben and among the I.G. Farben leaders was the defendant Dr. Schneider here proposed to honor Field Marshal Goering by distributing ten thousand copies of a special book or biography of Goering to the employees of I.G. Farben. As Your Honors will note, the Defendant Ilgner took up -- it can be seen from the signature on page 60 -- first the defendant Ilgner took up the suggestion of the defendant Schneider to be agreeable to Field Marshal Goering and submitted it to the defendant Geheimrat Schmitz. We see at this time in 1938 I.G. Farben was still rather modest in their

birthday gifts to Goering.

The next document NI-536, which should go in as exhibit 485, can be found on page 62 of the English text and in the German document book 22, page 1. This document contains a collection of letters and correspondence concerning the gift of I.G. Farben to Goering in the year 1939. This time the birthday present is somewhat more substantial. Your Honors will note first on page 62 a letter written by the defendant Krauch for Geheimrat Dr. Hermann Schmitz, the defendant Schmitz addressed to Goering and on page 63. Your Honors, will find the bill for this birthday present to Krauch. The bill of sales shows that it is addressed to the defendant Krauch and states:

"Upon your order we sent as a birthday present to His Excellency Field Marshal Prime Minister Hermann Goering:

1 oil painting on wood. Net price 38,000 Reichsmarks."

On the next page 64 we see that the defendant Hermann Schmitz took care of the financial side of this transaction.

The next document NI-540 which should go in as exhibit 486 is again a collection of documents, letters and bills of sales concerning another birthday present to Fieldmarshal Goering. The time is January 1940 and here we see again that the defendants Krauch and Schmitz gave a rather valuable piece of art to Fieldmarshal Goering in order to show their appreciation of what he had done for I.G. Farben.

The next document NI-532 which should go in as exhibit 487 covers the birthday present to Goering in the year of 1942. The prosecution did not find the correspondence concerning the birthday present to Goering in the year 1941.

And the next document NI-543 which should become prosecution exhibit 488 is the correspondence concerning I.G. Farben's birthday present to Goering in the year 1943. Your Honors will note that the amount, the value of these birthday presents increased as the war went on.

The next document, NI-1315, should go in as Exhibit 489 and here we see the first drop in the value of these birthday presents. May I ask the Tribunal to take judicial notice that the position of Fieldmarshal Goering had slightly deteriorated by the beginning of 1944? Therefore, apparently there was no reason to make another increase in the investment.

The next document, or rather the next documents, are concerned primarily with the allegation made in the indictment in Paragraph 34 and following. The prosecution alleged that most of the defendants in the discussion and many other Farben officials and technicians held key position in German government agencies and participated in Germany's mobilization for war. May we just introduce here a few documents in order to substantiate these allegations?

The next document, NI-628, was introduced before as Exhibit No. 60 in Document Book 3. This Document, NI-628, shows the list of members of the so-called General Economic Council of Hitler which was appointed on 15 July 1933 and your Honors will note the second name in this list is the Chairman of I. G. Farben's Vorstand, Prof. Bosch. In the affidavit of the defendants in this case your Honors will note that most of the defendants were Wehrwirtschaftsfuehrers, Military Economic Leaders. I think this will be brought out in the presentation of the individual responsibility. At this stage I would like to introduce and offer in evidence the Document NI-3512 which should go in as Prosecution Exhibit 490, which is an affidavit of Gen. Warlimont concerning the position -- I am sorry, I did not give the German text. It can be found in the German Document Book 25, page 133. In this affidavit Gen. Warlimont describes the purpose of the creation of the so-called Wehrwirtschaftsfuehrerkorps and also describes the tasks and duties of these Military Economic leaders. May I ask your Honors to look at page 86 of the English Document Book? It's page 144 of the German Document Book 25. This is a plan for a declaration of political attitude which

had to be signed by each individual before he was appointed Wehrwirtschaftsfuehrer. May I read the text of this declaration which each of these Wehrwirtschaftsfuehrer's had to sign? I quote:

"I hereby declare that I stand unreservedly on the National Socialistic conception of the state, and that I have not engaged in any activity against the interests of the people.

"I am fully aware that the truth of my statement will be investigated, and that any untrue statement will result in my dismissal from the position of Wehrwirtschaftsfuehrer.

"I am fully aware that in case of any expression or actions of mine which may constitute an offense against the National Socialistic conception of the State, I must expect not only legal prosecution, but also my dismissal from the position of Wehrwirtschaftsfuehrer."

I am not going to offer the next document, NI-5479, in evidence since it is the same subject. It was put in here because there was some difficulty in assembling the documents before.

THE PRESIDENT: Will he be warranted in striking it from our index?

MR. CHARWATZ: Yes, your Honor.

DR. WAGNER: The prosecutor just spoke of the statement on political attitude and he said that everyone appointed Wehrwirtschaftsfuehrer had to sign it. From this document itself these conclusions are not justified. That is the first thing I want to say, then I should like to deny this positively. My client never signed such a statement although he had the title of Wehrwirtschaftsfuehrer.

THE PRESIDENT: The defendant, of course, is not bound by the statements of counsel for the prosecution. We accept these statements by way of explanation of what the prosecution expects or is attempting to establish but only in so far as it is established by evidence it is considered by the Tribunal.

MR. CHARMATZ: May I draw your Honor's attention to page 82 of the English text, pages 139 and 140 of the German text. This deals with the pre-requisites necessary for the appointment to the position Wehrwirtschaftsfuehrer. Under three it says that a questionnaire must be filled out by the person and in addition to the questionnaire several things must be submitted. Among them, under "f", a statement concerning the applicants support without reservation of the Nationalistic State as per attached Form 3-H, which is exactly the form which I read before.

MR. SPRECHER: Your Honor, concerning Dr. Wagner's statement and Mr. Charmatz's previous statement that the form had to be filled out by each Wehrwirtschaftsfuehrer the prosecution will definitely state that we were making that statement entirely upon the basis of regulations establishing a Wehrwirtschaftsfuehrer. Now, it may be in some cases with respect to men who were so well-known by the persons in charge of appointing Wehrwirtschaftsfuehrer's that they did not feel any such loyalty checks were necessary and such did not, in fact, take place, but I do think we were entitled to make the remark.

THE PRESIDENT: Gentlemen, the Tribunal understands your point-of-view. The prosecution has asserted that it did believe that the defendant did sign such a statement but defendant's counsel said he did not. With all due respect and respecting all views on this subject on the evidence, when the evidence is concluded, if it becomes necessary for the Tribunal to determine the fact, it will determine it according to what the evidence will show.

DR. WAGNER: Mr. President, in the interest of clarifying this matter I should like to say just one more sentence. There were two kinds of Wehrwirtschaftsfuehrers. One kind was appointed by the Reich Minister of Economy and the others were appointed by the Reichsfuehrer, the Reichs Defense Minister, and that seems to be the cause of our differences of opinion.

MR. CHARMAZ: May I just make one closing remark since Dr. Wagner brought up the question that there are two kinds of Wehrwirtschaftsfuehrers? In the German law for the liberation from Nazism and Militarism I would like to point out that the Wehrwirtschaftsfuehrer appointed by the Minister of Economics are classified as Class-A major offenders because in this case both the Government of the new German Laenders and the Allied Military Government were of the opinion that these Wehrwirtschaftsfuehrers who were appointed by the Minister of Economics were Nazis beyond any doubt and that there was no doubt about their political attitude.

THE PRESIDENT: Now, gentlemen, permit the Tribunal to say this; you both have been allowed to testify quite liberally on this subject. I think you know the rules of procedure, I think you know that this Tribunal must resolve controversies of fact by the evidence. Let's move on to something else.

MR. CHARMAZ: Very well, your Honor. The next document 4623, it should go in as page 491 and can be found on page 90 and in the German Document Book 22 on page 20. Here in this document, which is a letter from the Military Economic Inspectorate, one of the lower echelons of the Military Economic Staff.

JUDGE MORRIS: May I enquire the Exhibit number: I missed that.

MR. CHARMAZ: 491, your Honor.

JUDGE MORRIS: 491. Thank you.

MR. CHARMAZ: In this letter the Military Economic Inspectorate sends to an official of I. G. Farben, Leverkusen, such a questionnaire for the appointment to a Wehrwirtschaftsfuehrer, and here again, your Honors will note under Item 5 on page 90 that this Military Economic Inspectorate submitted to this official of I. G. Farben, Leverkusen, a form of a statement as to "unreserved devotion to the Nationalist State", which, as the prosecution contends, is the form referred to before.

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The next document, NI-533, should go in as Prosecution Exhibit 492. This is the copy of a letter of the defendant, Schmitz, to State Secretary in the Ministry of Economics, Posse, dated 4 February 1938 thanking him for the appointment as Wehrwirtschaftsfuehrer and showing his appreciation. May I point out that State Secretary Posse was in charge of the Department of the so-called GEW which I mentioned today when discussing the document, PS-1436. That is the department of the Ministry of Economics concerned with the preparation for mobilization.

The next document, NI-8197, should go in as Prosecution Exhibit 493. This is an excerpt from a book. It can be found in the German text, Book XXV, page 147. This document is an excerpt from the book on the Reich Group Industry. The author is Dr. Karl Guth, who was the principal business manager of the Reich Group Industry, published in 1941. This document is introduced in order to show the history and the function of the Reich Group Industry.

In the next documents we will see which of the defendants and which members of the I.G. Farben Industry, A.G. held positions in this official board, the Reich Group Industry, NI-3798 should go in as Prosecution Exhibit 494, German Book XXIV, page 282. Your Honors will note that this document supports the allegations made by the Prosecution in paragraphs 34 and 35 of the Indictment. We see in these lists the names mentioned as officials of the Reich Group Industry.

The next document, NI-077, which can be found in the German Document Book XXII, page 24, should go in as Prosecution Exhibit 495. This document, NI-077, is introduced to show that at the meeting of the Advisory Board, (The German expression term is Beirat) of the Reich Group Industry, question of mobilization of economy were discussed and also the question of significance of the Wehrwirtschaftsfuehrer, the military economy leaders.

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Your Honors will note in item 6 that Dr. Guth, the same gentleman who is the author of the book introduced before as Exhibit 493 reported in this meeting of the Advisory Board of the Reich Group Industry on this organization of the military economy leaders and also as will be seen by "C" on the next page on the question of war economy advisors.

This finishes the Document Book XXII, Your Honors.

MR. SPRECHER: Your Honors, that makes a convenient breaking-off point.

Could we have just a few seconds? There are several announcements.

THE PRESIDENT: Verywell.

MR. SPRECHER: Your Honors, tomorrow morning Mr. Chermatz will go on with the English books XXIV and XXV which will conclude the materials now being presented in connection with Count I-C of the Indictment. For the benefit of the Defense Counsel and the defendants, we are able, I think, to reduce some of the confusion with respect to these last document books by stating the following: books XXII, XXIV and XXV with the exception of four affidavits by defendants, two by the defendant, Ilgner, and two by the defendant, von Schnitzler, which will be found in Document Books XVI and XVII. We can probably reduce the difficulty of the defendants in bringing all of Document Book XVI and XVII to court by noting that the Schnitzler statements are NI-5196 and NI-5191, and that the two Ilgner statements are NI-6713 and NI-6544.

Your Honors, we believe that we should be able to present these materials tomorrow morning perhaps by the morning pause. Thereafter we would propose that the Prosecution continue with the documentary evidence in connection with Count I-D of the Indictment through the rest of the day and that on the next day, Friday, the Prosecution should call General Hermann von Hanneken as a witness;

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and as soon as we are finished with that witness that we continue on with the documents in relation with Count I-D.

May I state for the record that the first five document books concerning Count I-D, that is principally Count I-D, in the German have already been served upon the Defense Center, namely, Document Books XXVI, XXVII, XXVIII, XXIX and XXX. Then thereafter one more book, XXXIII, has been served and four others are in the process of being put together and we should be able to serve them very soon.

That is all we have.

THE PRESIDENT: Can you say now what English Books the Tribunal will need when you reach the presentation of the documents relating to Count I-D?

MR. SPRECHER: Yes. Thank you, Your Honor. I am glad you brought that up because I think it also has some importance for the Defense as well. I should think that tomorrow we might get through 26, 27, 28 and possibly 29, and fortunately I am able to announce that unless we are taken by surprise in one or two instances, the German document books are in the same order as the English document books for which we are quite as grateful as the Defense, and, therefore, if the Defense and the defendants would likewise bring those documents tomorrow, because I think by the pause we shall have reached I-D.

THE PRESIDENT: The Tribunal will be in recess until nine-thirty tomorrow morning.

THE MARSHAL: The Tribunal will be in recess until nine-thirty o'clock tomorrow morning.

(The Tribunal adjourned until 0930 hours, 18 September 1947.)

Official Transcript of the American Military Tribunal No. VI in the matter of the United States of America against KARL KRAUCH; et al, defendants sitting at Nurnberg, Germany, on 18 September 1947, 0930-1630, JUSTICE SHAKE presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI. Military Tribunal No. VI is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: Are the defendants present, Mr. Marshal?

THE MARSHAL: May it please Your Honors, all the defendants are present save the defendants, Wurster and Ilgner, absent due to illness.

THE PRESIDENT: The Tribunal is advised with reference to the situation as it applies to the defendant, Wurster, and we also have this morning a certificate from the doctor that the defendant, Ilgner, is sick in bed with bronchitis and unable to come to court at this time. The Chair will pass these certificates to the Secretary for filing with the record, and the Prosecution may proceed.

MR. CHARMATZ: May it please the Tribunal, in yesterday's session I introduced at the end of the session three documents concerning the Reich Group Industry and the economic groups. I am continuing now this topic which covers the allegations made in the Indictment in the paragraphs 34 and 35. I am introducing now the documents which are contained in the English Document Book, XXIV.

The first document, NI-6087, which should go in as Prosecution Exhibit 496 can be found on page 1 of the English text and in the German Document Book XXII on page 28. This document is an excerpt from minutes of the 43rd meeting of the Commercial Committee held on 23 September 1941 in Frankfurt with the defendants, as Your Honors will see on page 1, Schmitz, Schmitzler, Ilgner, von Knieriem, Kugler, Mann and Oster present. At this meeting of the Commercial Committee the defendant, Ilgner, reported at great length of the setting up of

a Southeastern Committee of the Reich Group Industry which is contained in this document on the pages 1, 2 and 3 of the English text, on pages 28, 29 up to 31 in the German text. This document is to show that the matters of the Reich Group Industry were deemed important enough by I.G. Farben to be discussed at great length in their most important commercial board, namely, "KA", the Commercial Committee. The defendant, Ilgner, was appointed the chairman of this newly created committee as is shown on page 2 of the English document book, page 29 in the German document book.

The prosecution will introduce evidence as to the activities of the Reich Group Industries and the economic groups in later sections of Count I, mostly in Section "H" on the so-called New Order which was the German Plan, the plan of the Third Reich to dominate all of Europe.

The next document, NI-8507, should go in as Prosecution Exhibit 497. It can be found on page 7 and on page 37 of the German document books. This document is a letter of the defendant, Kuehne addressed to the defendant, Schmitz, dated 31 August 1937. This document is interesting because it shows how I.G. Farben tried to dominate the economic groups, however, that I.G. Farben did not like the name "I.G. Farben" to appear.

May I point out in the middle of the second paragraph of this letter and quote one sentence. It is the defendant Kuehne writing to the defendant Schmitz. He speaks first of the fact that Herr Clemm, the former chief of the Economic Group Chemical Industry, resigned, and now I quote one sentence.

"Contrary to Herr Clemm, Herr Bachmann is a man who knows how to give orders and who does not shirk responsibility and, finally, though an I.G. man, he is not so well-known as an I.G. man that the general public might suspect that I.G. wants to fill that position."

Further down at the end of this paragraph the defendant, Kuehne, discusses the possibility of another candidate for this job, adds,

"however," -- and I quote -- "this is not suitable for a direct I.G. man."

Your Honors will note that in the left margin of this document -- it is partly covered -- there is a handwritten note, "Taken care of by telephone, 2 September 1937 (Initial) S." This marginal note is not contained in the German mimeograph, and I want to point out that the photostat which is the exhibit in this case is not too clear either. The original, however, is at the disposal of the Defense if they want to check this handwritten marginal note.

The next document, NI-339, which should go in as 498, is a secret circular of the Reich and Prussian Minister of Economics of 18 March 1938. It is in the German text two pages farther down, 39, and this secret circular gives a list of the so-called Mobilization Commissioners which were appointed by the Reich Minister of Economics in each of the economic groups.

Your Honors will note on page 9 of the English text -- it is page 41 of the German text -- that in the Economic Group Chemical Industry a certain Dr. Klaus Ungewitter is appointed Mobilization Commissioner. Your Honors will recall that in Section B of Count I the Prosecution has introduced evidence as to the activities in the field of mobilization preparation both by the economic group and by I. G. Farben.

The next document, NI-5953, should go in as Prosecution Exhibit 499. It can be found on page 13, page 44 of the German document book. This document is an affidavit of Dr. Felix Ehrmann who was the Deputy General Manager, the deputy to Dr. Ungewitter in the Economic Group Chemical Industry and in this affidavit Dr. Ehrmann discusses in paragraph 2 the jurisdiction of the economic group chemical industry and also the delimitation of the jurisdiction between the economic group chemical industry and the Plenipotentiary General.

May I ask the Tribunal under Numero II, paragraph 2, the second line, the translation in the second line should be corrected. It says

here, "As regards of the allocation of labor there were the following restrictions of the committee." It should read, "the following delimitation of the jurisdiction", because in paragraph the affiant discusses the delimitation of the jurisdiction of these two authorities.

Your Honors will note on page 14 in paragraphs 6 and 7 that the affiant describes the role both of the Economic Group Chemical Industry and the Gebechem, which is the Plenipotentiary General for Chemistry, namely, the defendant, Krauch, in the field of labor allocation and the field of recruiting labor in Italy, which is paragraph 7.

The next document, NI-4954, which should go in as Prosecution Exhibit 500 is an affidavit again of Dr. Ehrmann in which he describes the atmosphere in the Economic Group Chemical Industry in Summer, 1939. Your Honors will recall that in the presentation of Section A of Count I Mr. Dubois introduced a document, a Schnitzler affidavit, NI-5196, which was given the exhibit number 40. In this affidavit the defendant Schnitzler had described the discussion which he had had with Dr. Ungewitter concerning the coming war against Poland, and he had stated that this discussion took place in the presence of Dr. Ehrmann.

Your Honors will see that Dr. Ehrmann in his affidavit, Exhibit 500, also refers to the discussions which took place in June and July 1939.

The next document, NI-1352, should go in as Prosecution Exhibit 501. It is in the German text on page 49, in the English document book on page 18. This document is an excerpt from the minutes of the 59th meeting of the Commercial Committee held on 1 March 1944, and Your Honors will note that the defendants, Schnitzler, Haefliger, Ilgner, Kugler, Mann and Oster were present. In this meeting of the Commercial Committee the new reorganization of the Economic Group Chemical Industry was discussed, and Your Honors will note in the middle of paragraph 1 that the defendant, ter Meer, held an important position in this newly created production committee of the Economic

Group Chemical Industry.

The next document, NI-5695, should go in as Prosecution Exhibit 502. It can be found on page 24 of the English text, in the German Document Book XXIV, page 293. This document is a circular of the Economic Group Chemical Industry dated December, 1943, and shows at the top of the page that it was received by the office of the "ZA", which is the Central Committee of the Vorstand of I.G. Farben.

Your Honors will note on page 24, that is, page 293 of the German text, that the document contains an announcement to all member firms by the then leader of the Economic Group, Mr. H. Schlosser. May I point out the first sentence. Here it is stated that at the instigation of the Reich Minister of Economics the Economic Group Chemical Industry has been completely divided into departments and sections, and may I quote now this sentence?

"The main purpose of this is to create an instrument of strict leadership for the war economy, and especially for the task newly given to the Economic Group by the Reich Minister for Armaments and War Production."

May I ask the Tribunal to take judicial notice of the fact that in September and October, 1943, the Reich Ministry of Economics was reorganized and the newly created Reich Ministry of Armaments and War Production under Speer took over most of the functions of the former Ministry of Economics.

We put something in our information bulletin which was submitted to the Court both in English and German languages, and the Prosecution is willing to submit the formal evidence to this effect if the Court deems it suitable.

THE PRESIDENT: Is this the paper that was placed on the table this morning?

MR. CHARLITZ: The basic information.

THE PRESIDENT: Do you have reference to the basic information

folder that was delivered to us at the beginning of the trial.

MR. CHARMATZ: Yes, Your Honor.

THE PRESIDENT: I doubt if we have them with us.

MR. CHARMATZ: Well, we can revert to this later, if Your Honor please.

THE PRESIDENT: In the meantime perhaps one of the staff can go to our offices and procure them for us if we should have them.

MR. CHARMATZ: May I go on in the meantime?

On page 26 Your Honors will note that the defendant, ter Meer, was appointed Deputy Chief of the Economic Group Chemical Industry at the moment of the reorganization and at the time when the Economic Group Chemical Industry was given such new important functions.

On pages 27 and 28 Your Honors will find the regional chiefs of the Economic Group Chemical Industry. Your Honors will note under item 4 on page 27 for Oberschlesien, Upper Silesia, the defendant, Duerrfeld of I.G. Farben was the regional chief; item 10 for Schleswig-Holstein Director Dr. Neale of the Dynamite-Nobel, the D. A. G. was appointed regional chief; item 15 for Westphalia-North Director Dr. Guenther of the Chemical Works Huels, another Farben subsidiary was the chief of this region; item 21, Westmark, the defendant, Dr. Wurster, was the regional chief; item 22, Rhein-Main, the defendant, ter Meer, was the regional chief; item 26, Halle-Merseburg the defendant, Schneider; and Your Honors will also note that item 28 for the Sudeten area a member of the I.G. Farben subsidiary was the regional chief.

In the long list which follows, Your Honors will find on every page at least one and in many cases several names of members of the I.G. Farben firm. This is a long list of all the sub-groups of the Economic Group Chemical Industry.

May I draw Your Honors' attention to the page 30, for instance. Your Honors will see as chiefs of various sub-groups -- it is in the German on pages 300 and 301 -- at the top of the page Dr. Franz Vorlaender of the

firm I.G. Farben, A.G., the next department chief, Dr. Bodo Scheef of I.G. Farben, A.G. Then under the heading "2. Group Sulphur and sulphur compounds." the chief, Dr. Wurster, and on the next page, page 31, in the second half of the page -- this is page 302 in the German text -- under item "3. Nitrogen." we find as the chief of this sub-section of the Economic Group the defendant Oster, and for a sub-group as the chief of the sub-group another member of the I. G. Farben firm. On page 32 at the top of the page the third name is Director Dr. Ambros, the defendant, Ambros, of I. G. Farben in charge of one of the sub-groups, and on page 40 of the English text -- it is page 312 of the German text -- under item 16 we find the name of the defendant, Schnitzler, within the group of tar dyes and intermediate products.

The next document, NI-4899, should go in under Exhibit No. 503. It can be found on page 56 of the English text and page 328 of the German text. This document is a list of the sub-groups of the Economic Group Chemical Industry and is properly identified by a document which Your Honors will find on page 99. That is Document 4929. It can be found in the German book 2261. This document which identifies the exhibit 503 is an affidavit by Dr. Felix Ehrmann, the Deputy Manager of the Economic Group Chemical Industry.

May I mark this document Exhibit No. 504?

THE PRESIDENT: You mean Document NI-4929 to be 504?

MR. CHARMATZ: Yes, your Honor.

THE PRESIDENT: Very well.

MR. CHARMATZ: The Exhibit 405, which is NI-4899, is much more detailed than the exhibit 502, which was introduced before. Your Honors will note that at the time when this first reorganization which is described in Exhibit 502, took place, many of the leading positions were still kept open. In this new document, NI-503, Your Honors will note that even more defendants and members of I.G. Farben held leading positions in the sub-groups of the Economic Group Chemical Industry, whose importance was increased for the war production by the reorganization which is described in the Document 502, on page 24.

May I draw Your Honor's attention to the pages 56, and following, of the English document book? We see on page --it is page 303 of the German, if we follow the main groups there we have on page 56 the first group for soda caustic and so on, The defendant Ernst Buergin, as director of the chemical industry, on page 57; in charge of the second group, sulphur and sulphur compound, the defendant Carl Wurster--in the middle of the page; it is page 334 of the German text. And on page 58, in charge of the third group, namely, nitrogen: Dr--the defendant--Oster. And his director of the Technical Committee is another member of the Farben Birm, Dr. von Staden, of the Ammoniakwerke Morsburg GmbH.

The next document, NI-6784, can be found on page 94 of the English text and in the German book 22, page 57. This should go in as Exhibit 505. This document is a circular letter of Dr. Alt, the manager of the sub-section for carbide chemistry, methanol and so on, of the Economic Group Chemical Industry.

And, on page 95 and on page 96, Your Honors will note that many of the men in charge of these important war production were Farben men. On page 95, which is page 58 of the German text, Your Honors will find the name of the defendant Ambros; and as two assistants for Special Fields in this carbide production, two other I.G. Farben men: namely, Dr. Gustav Kraemer of the Sueddeutsche Kalkstickstoff Werke A.G. subsidiary--and Dr. Max Wildhagen, of Bayr, Stickstoffwerke A.G., another Farben subsidiary.

On page 96 Your Honors will note the names of several members of I.G. Farben.

The next document, NI-6157, should go in as Prosecution Exhibit 506. This is an excerpt from the minutes of the meeting of the Technical Main Gau Directorate at Frankfurt-am-Main Hoechst, on 21st August 1944, with the defendant Lautenschlaeger present.

On page 102, which is at the bottom of page 63 of the German text, your Honors will note--in the fourth paragraph--that in 1944 all the negotiations between I.G. Farben and the economic groups which had become so important I.G. Farben and the economic groups which had become so important were routed the Vermittlungsstelle W just as before the war, I.G. Farben had concentrated all its contact with the military authorities also in the Vermittlungsstelle W.

The next document, NI-5181, which should go in as Prosecution Exhibit 507, can be found on page 103, and in the German Book 20, page 65. This affidavit of the defendant Ter Meer, describing the positions held by the defendant Buergin. May I draw your Honor's attention to the paragraph 6 of this document? It can be found on page 104. It is on page 66 in the German text, which describes the position of Buergin in the Economic Group Chemical Industry.

The next document, NI-3765, should go in as Prosecution Exhibit 508. It is in the German Book 22, page 67. This document is an excerpt from a secret book issued by the Reich Ministru of Armaments

& War Production, and shows the defendants and other members of the Farben concern who were in charge of the important production committees. On page 106 Your Honors will note--and may I point out that this is dated July 1944--the defendant Karl Wurster as chief of the Production for Sulphur and Sulphur Compounds, the defendant Oster in charge of the Nitrogen Committee--always of the Reich Ministry of Armaments & War Production.

On page 107 the defendant Ambros for Buna; for powder and explosives, Dr. Sarrazin of the Westfaelische-anhaltische Sprengstoff A.G. That is what was described here before as a Farben subsidiary.

Dr. Schnitzler in charge of the Dyes and Dyes Intermediates Committee. And then the defendant Butefisch, a Chief of the Economic Group Fuel Industry.

Up to now we have not mentioned yet this Economic Group. We were concerned only with the Economic Group Chemical Industry. In 1944 this Economic Group Fuel Industry had likewise become a part of Speer's Ministry Armaments and War Production.

The last document in Book 24 is NI-6785, which should go in as Prosecution Exhibit 509. This is a document found in Farben files, and it shows, on page 110, under the items 1,2,3,5,9, clearly the names of the leading, I.G. Farben officials in charge of the main sub-sections.

THE PRESIDENT: Mr. Prosecutor, when you care to make a reference to this basic information material, we now have the records before us.

MR. CHARMATZ: I beg your pardon, Your Honor. We have only Volume 1 with us. May I refer to this later?

THE PRESIDENT: Very well.

MR. CHARMATZ: May I continue in the meantime to present the rest of the documents which are contained in Document Book 25 of the English text?

The next document, NI-9457, which should go in as Prosecution Exhibit 510, is an affidavit of Dr. Guenther Frank-Fahle, the chief of the Bureau of the Commercial Committee in which he re-affirms, under oath, a statement which he made in the year 1945. This document can be found in the German Document Book 25, page 166. Here the affiant identifies the next document, which is NI-1294, which should go in as Prosecution Exhibit 511. This second document, which can be found on page 3 of the English Document Book--German Document Book 22, page 72--is a statement by Frank-Fahle--or rather an excerpt from a statement of Dr. Frank-Fahle--in which he describes the most important positions held by I.G. Farben people in the German government and in semi-governmental agencies. It was just pointed to me, your Honors, that I didn't make myself very clear. The translation is an excerpt from a document; however, the document, as much, which is in the exhibit folder, is a complete document.

The next document, NI-6713, should go in as Prosecution Exhibit 512. This is an affidavit of the defendant Ilgner dated 2 April 1947 in which he gives the most important positions of members of the I.G. Farben firm in the state, the Party and Public life. Your Honors will note, on page 7 of the English text, it is page 79 of the German Document Book 22, the names of the defendants Schmitz and von Knieriem as members of the Academy for German Law. Your Honors will find, as a member of the Foreign Office, von Maltzahn. Under Item 5 we find two members of I.G. Farben as officials of the Ministry of the East. Item 6 and 7 give the names of members of the I.G. Farben firm employed in the OKW Abwehr--that is the Intelligence and counter-intelligence department, both in foreign countries and in Germany.

Item 8 states that defendant Schmitz was a member of the Reichstag. Under "B" Your Honors will note that, at the end of Item 1, that the defendant Ambros, Buergin, Bueckfisch, Gajewski,

Schneider, and Wurster, were working in a honorary capacity in Krauch's Office for Economic Development.

Item 2: Again we find several names of defendants as working for the German Armament Ministry. The defendants Ambros, Buete-fisch Wurster and--with a possible doubt, as the defendant Ilgner states--also Buergin. And the remainder of the document shows the positions held by other members of the Farben firm in the economic life, and also in the occupied countries.

The last document, which is 6544 was introduced before as Prosecution Exhibit 377 in Document Book 14. May I draw your Honor's attention to the pages 22 and 23 of the English text, which can be found on pages 381 and 382 of the German document book 24, where the names of several defendants and other members of the I.G. firm appear as holding positions in the governmental life of Germany? The Exhibit number was given before. This document was introduced as Exhibit 377.

May I now reference only to two documents which were introduced before in the course of this trial--

DR. SILCHER(Counsel for defendant von Knieriem): Mr. President, merely a brief explanation. I have not succeed in finding document 504--Exhibit 504--and I believe some of my colleagues have also failed to find it. I would appreciate it if you would tell us again where Numbers 503, 504 and 505 are.

THE PRESIDENT: Prosecutor may provide counsel for the Defense with this information.

MR. CHARMAZ: The Exhibit 503 was the document NI-4899, to be found in the German document Book, 24 page 328. The Exhibit 504 was the document NI-4929 to be found in the German Document Book 22, on page 61. And the Exhibit 505 was the NI- No. 6784 to be found in the German document book 22, page 57.

May I only refer to two exhibits which were introduced here before, namely, to the exhibit 40, which is NI-5196? This document was introduced in Section A--I am not going to quote--Your Honors--of Count 1, and is contained once more in Document Book 16 in the English text, on page 108; and in the German text in Book 16, page 125. In this Schnitzler affidavit the defendant Schnitzler himself had outlined that it was I.G. Farben, with its own personnel, which assisted the rearmament phase of the German government within the framework of Krauch's Reich Office for Economic Development. And may I refer also to another Schitzler affidavit, namely, NI-5191, which was introduced here as Exhibit 39, which is likewise to be found in Book 16 page 1, and in the same place in the German text, in which the defendant Schnitzler states that I.G. Farben was often referred to as "a state within the state." This finishes the presentation of the document books 19 up to 25 primarily concerned with the proof of Section C.

MR. SPRECHLER: With Your Honor's permission, I would like to make a brief reference to Volume 2 of the basic information. Now, I think in all legal systems it is customary for lawyers to refer from time to time to things which are so well established in the minds of the judges and of the counsel that references is merely made to the fact--and without further proof the matter is accepted. It we were conducting a trial where the names of some of the leading officials in America--in, for instance, the War Production Board--came into play, I am certain we would not run into any difficulties. However, here we are involved in a trial which involves agencies and persons holding positions in agencies in Germany.

Now, for your assistance in this matter, the Prosecution drew together Volume II as a basic information summary, and the source material behind, the entries, behind the contents, of this basic information come out of documents and publications which, on the whole are matters of which, I am sure a court normally would take judicial notice.

We have indicated that we do not consider these basic informations as evidence. I have discussed this problem briefly with Dr. Boettcher and one or two other members of the Defense Staff. I have asked them that I would appreciate their pointing out any errors which are certainly possible in this basic information. I have been informed by Dr. Boettcher that the Defense is considering the filling of a similar basic information where any possible emphasis the Prosecution has given in basic informations 1 or 2 would be corrected from the Defense point of view. Now, I trust that in due course that will be done, and that we can possibly get together to iron out any outstanding, particularly concerning Volume II which is more or less a retical, a very brief recital, of some of the history of the private and governmental institutions which were concerned in directing and controlling the chemical industry of Germany.

Now, when Mr. Charmatz asked you a little while ago to take judicial notice of a certain fact, I pointed out to him that under the circumstances that would not be too easy, unless you had some source to go to; and therefore we thought we would make reference to this basic information. As usual, copies have been served upon the defense in the German language, with the English copies paginated right in with the German for checking.

MR. CHARMATZ: May I only refer to the page 13 of the Volume 2 of the basic information which was submitted to Your Honors wherein the paragraphs 2 and 3, the re-organization of the Speer Ministry and also the establishment of the system of self-responsibility of industry through the committees and rings, among them also the production committees is discussed.

DR. SILCHER: Mr. President, when it was announced yesterday what document books would be introduced "basic information" was not mentioned. Therefore, none of my colleagues have the "basic information" here. We would be grateful if the prosecution would wait for awhile if we have a brief recess to get this material.

MR. SPRECHER: Your Honor, we are very sorry of the omission. It was something of an emergency situation. However, I think the reference of Dr. Charmatz is to a very simply point in connection with the re-organization of the Speer Ministry and if there is any question whatsoever about that document we would be very glad to have that pointed out to us whether after the pause or before the pause.

THE PRESIDENT: Does the prosecution have any material where we can go on and pass this momentarily until after we have an intermission?

MR. SPRECHER: Certainly, Your Honor.

THE PRESIDENT: I only think it would be fair to the defense to have them bring the books in while this matter is under consideration by the prosecution and the Tribunal. So, if the prosecution can go to another matter we will pass temporarily this subject of this so-called "basic information material".

MR. SPRECHER: In our presentation, Your Honor, we come to Count 1-D which includes Paragraph 37 through 45 of the indictment. Yesterday afternoon I mentioned which document books would be involved. The presentations will be made by Mr. Morris Anchan of the prosecution staff.

MR. ANCHAM: If Your Honors please, we are about to offer evidence in connection with sub-division-D of Count I and I will be assisted with respect to the handling of the documents and other matters by Dr. Heilbrunn at my right. Count 1-D, which begins with Paragraph 37; Farben participated in creating and equipping the Nazi Military Machine for aggressive war. Paragraph 37 I think is pertinent to recall again. The major contribution which Farben rendered in the re-armament of Germany lay in making her capable of waging war by rendering herself self-sufficient in three crucial war materials essential to the waging of aggressive war, nitrates, oil and rubber. In all three cases Germany had no natural resources and was incapable of planning, preparing or waging aggressive war without Farben's development of processes for manufacturing them synthetically. We are about to present the evidence on the story of production, the heart of preparation for waging war: And we propose to present the evidence in the following manner:

First, we intend to trace Farben's development and participation in the production of synthetic gasoline. There will be two document books on that. We shall then proceed to similarly trace Farben's participation in furnishing synthetic rubber to the German Armed Forces. Then we shall proceed with Farben's participation in developing magnesium, aluminum and other light metals. We will then present two document books which for descriptive purposes we will call "Plan". It will be the story of Farben's capital investment in plans and facilities to prove that its capital investment by far exceeded any in peace-time.

Following "Plans" we shall present in two books Farben's part in developing and producing explosives, high-explosives, and gun-powder. We shall then pass to the proof relating to Farben's part in developing and producing poison-gas. We shall present finally a book which is in the nature of opinion evidence, mostly in the form of affidavits from former German government officials, from statements of Farben's

own officials, to the effect that all this production was in excess on its face from any needs for peace-time economy and that book will conclude with this opinion evidence on the point that Germany could not possibly have waged war without the efforts and help of Farben's chemical and engineering genius.

At some point, either within the presentation of this evidence or at the conclusion of this evidence, we shall present an expert witness to testify on some of the technical terms appearing in the document in order to give us a layman's understanding, so to speak, of what it is that these people were talking about in these documents with all these chemical terms and his testimony will disclose, we think, that there was an inter-relation between Farben's production on all fronts to the objective of preparing to wage aggressive war.

We may not necessarily put in the books in the order which I just recited but that in general is our present plans in presenting the evidence on this part of Count I.

Document Book 26, the first book on gasoline. The first documents, FI-4833 and FI-6637, have previously been introduced in evidence. They establish the point that in 1932 Farben sent emissaries to Hitler to find out what his views were and what support they could get.

THE PRESIDENT: Mr. Prosecutor, you will pardon me, but since your index is not really a part of the document book, merely a useful index, would it not be well for you to identify what exhibit number these two documents bear so that it will be on the transcript?

MR. AMOHAN: FI-4833 is in evidence as Exhibit 26. It's the interrogation of the defendant Gattineau. FI-6637 is already in evidence as Exhibit 29 and is an interrogation of the defendant Buete-fisch where is established the point of a meeting in 1932 with Hitler where they enquire from Hitler what his position would be with respect to supporting Farben's program for the production of synthetic gasoline and these documents establish that Hitler told Gattineau and Buete-fisch

that he would support Farben in their program.

NI-661 is already in evidence as Exhibit 92.

NI-319 is already in evidence as Exhibit 93.

NI-320 is already in evidence as Exhibit 94.

These three documents relate to the first contract between Farben and the German government in December 1933 and Your Honors will recall that Hitler personally approved that contract. The contract generally provided for I.G. Farben to undertake production of synthetic gasoline at a guaranteed price by the German government and the contract had ten years to go. I should mention at this point that in connection with all of the documents that we propose to introduce, there will be records of military and other government officers of the German government. There will be records of minutes of conferences with these government officials where Farben participated.

There will be other records where Farben did not participate, records of meetings of high military officials or ministers.

The documents will disclose, I think, that the performances, in so far as production is concerned coincides with the planning and production figures which these minutes will disclose.

We offer in evidence as Prosecution Exhibit 513 NI-9477, being an affidavit of Dr. Mulert, former junior director of the Ministry of Economics on the history of the gasoline agreement. Page 30 of the English Document Book and page 56 of the German book merits attention. The first paragraph of the English book, which is on page 56 of the German, speaks about the initial contract.

"The cost price of I.G. gasoline amounted, as far as I remember, to about 30 marks, whereas the price of natural gasoline was about eight on the world market."

Further down the paragraph beginning:

"As the Reich was not willing to make any promises regarding continuance of the protective tariff, as it had to reserve to itself full freedom of action in the field of trade policy, the Reich gave a guarantee to I.G. for the sale of the production at prices, which covered the cost of production and return on capital."

We next offer in evidence as Prosecution Exhibit 514 NI-6530. It's a speech made in 1938 by the defendant Buete-fisch in the celebration of the seizure of power by the Nazis and the speech was printed in the Farben local magazine "Von Werk zu Werk." Page 33 is interesting. The German is on page 50. In the middle of the page quoting Dr. Buete-fisch:

"I do not forget the day of the year 1933", Dr. Buete-fisch went on, "when I could accept from the Reich Government in Berlin the order now to proceed and expand with all possible energy the production of gasoline, which for reasons inherent in political economy could not be fully developed prior to the taking of power. From that day on we find ourselves in this invariably great experience of expanding our industry, in a measure heretofore unknown."

We offer in evidence as Prosecution Exhibit 515 NI-4835, being the minutes of a meeting of the management at Ludwigshafen on 4 July 1934. Present are the defendants von Knorin and Ambros and the report is made on a visit to Keppler who, your Honors will recall, was Hitler's plenipotentiary in Economics and a report made of that meeting on the subject "The Substitution of Foreign Raw Materials." The document is self-explanatory.

We offer in evidence as Prosecution Exhibit 516, NI-7295. The document comes to us from the files of the Reich Office for Economic Development which also was a predecessor of the office of the Four Year Plan. The description in the index is not adequate. The files relate to a conference to 11 October 1934 with General Bockelberg of the Wehrmacht with respect to the organization of the Brabag Company and the next few documents will deal with the Brabag story. I might interpose at this point, that Brabag was an association or rather a corporation of the owners of the brown coal mines in Germany and this corporation that these brown coal mine owners formed was to use the capital for the erection of hydrogenation plants to produce synthetic gasoline from the 16 process named. This NI-7295 contains the conference of 11 October 1934 and additional reports on the steps to be taken to make German industry self-sufficient. Page 39 merits attention and that is on page 66 of the German Document Book. These are the minutes of the Planning Committee of this organization and they are talking about requirements in A-Fall Case and at the bottom of page 39 there are some figures. I call attention to "Total Increased cost for covering A-Fall 655 million Reichmarks." That's with respect to the amount necessary for new capital investments in plants.

Page 41; which is at Page 67 of the German book, No. 5 on the top of the page, indicates that they are planning from a military standpoint the carrying on of experiments in ersatz propelling fuel for the A-Fall. Page 42, which is a confidential report in June 1945 from this government agency -- it's at page 69 of the German at the bottom of the page, summarizing the conditions in the German mineral oil field:

"1. In 1930 we were dependent on foreign countries for our supply of mineral oil to the extent of 75% of the whole. In 1934 we were dependent to the extent of 65%. In 1937 with the projected new production, we shall be dependent only as to 35."

The next page 43, which is page 70 in the German Document Book, No. 2:

"This strong reduction in our dependence on foreign countries is, apart from a certain increase in German petroleum boring and preparation of lignite tar, chiefly due to the synthetic production of mineral oils, coal hydrogenation."

And down below:

"The Fischer-Tropsch process now being developed also promises to help the domestic production in the near future."

The paragraph preceding the words "Fischer Propsch" obviously refers to the I.G. Process.

"So far as concerns gasoline, gas oil, lighting oil, and heating oil there are no limits, either practical or technical or in respect of raw materials, to a further increase in mineral oil production by hydrogenation with German lightite and pit-coal as a basis. A further increase in the production is dependent solely on economic considerations."

The point there obviously is that political and economic considerations will govern the future development of that. This being an appropriate time, your Honor --

THE PRESIDENT: The Tribunal will arise for its morning recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. HOFFMAN: For Dr. Aschenauer, Defense Counsel for defendant Gattineau, who is unable to be here.

May it please the Tribunal. The prosecution submitted, in volume 26, Document NI 4833, which is an affidavit of the defendant Gattineau. This affidavit has already been submitted as Exhibit 26. Exhibit #27 was a revocation of the defendant Gattineau of #26. The prosecution did not submit this revocation, and it seems to be necessary to point out the fact that this document was revoked.

MR. AMCHAN: Of course, Your Honors, Exhibit 26, as originally introduced, is the exhibit that confirms. Moreover, the argument the counsel now makes, he made to an extent at the time when he objected to Exhibit 26, and it was overruled as I recall the ruling of the court. This was the Gattineau affidavit where they claimed duress and they alleged the facts in connection with duress and Your Honors heard the argument on the point. And defense counsel's motion, as I recall it, was overruled and this affidavit and the things supporting it were accepted in evidence.

DR. HOFFMAN: May it please the Tribunal. As far as I remember, this Exhibit #27 is an affidavit of the defendant Gattineau which was made by him before proceedings started in this case. If it had been irrelevant to the prosecution, then the prosecution would not have submitted it as Exhibit #27.

THE PRESIDENT: The Tribunal recalls the circumstances under which the document which was identified as Exhibit 26, was admitted in evidence and recalls that it was observed at that time that Document 27 would be considered in connection

with Document 26 or, rather, the reverse. That Document 26 would be considered in the light of the showing subsequently made with respect to Exhibit 27. Documents 26 and 27 being in evidence already, there is nothing before the Tribunal at this time with respect to their admission. In other words, all exhibits heretofore admitted in evidence are before the Tribunal for what they may be worth. We understand that the proceedings this morning is nothing more than to recall to the mind of the Tribunal the fact that Document 26 is before the Tribunal. It is no readmission of the document. Consequently, as we view the present state of the record, there is nothing before the Tribunal with respect to which the observations of counsel for the defendant are now pertinent.

The objection is overruled.

MR. AMCHAN: If your Honors please, I believe we had just put in, as Prosecution Exhibit 516, NI 7295. Before proceeding, I believe it will be helpful to call Your Honor's attention to the maps just placed on the wall. Photostats of these maps are already in evidence as Prosecution Exhibit 44, the map on the left and, as Prosecution Exhibit 45, the map on the right. In accordance with the understanding between defense counsel and the prosecutor, it should be noted that the defense does not concede the correctness of these charts. In passing, I might just point out that the chart on the left is a visual indication of Farben's plant and capacities in 1932. They're indicated by disks and triangles which have appropriate legends. The map on the right is Farben's capacities after 1944. This is a short before and after map. The status on the map on the right of the plants of Farben's participations and operating plants

are as of the end of 1943. We shall discuss these maps in a bit more detail, and the meaning, at the time when we consider the production story from the point of view of capital increases in connection with plants.

The next series of document, which we are about to offer, relate to the Brabag story, the story of the organization of the German coal industry to construct hydrogenation plants to produce synthetic gasoline, using the I.G. Farben process.

We offer in evidence, as Prosecution Exhibit 517, NI 3975. The description in the index is inadequate. That document contains the minutes of a conference of 11 October 1934 with the Wehrmacht.

Incidentally, I was in error in describing that conference in the previous document.

This document, 3975, first has the minutes of the conference of 11 October 1934, and it also has a copy of the contract of 27 October 1934, indicating the establishment, powers and functions of the Brabag corporation; We believe it would be helpful to look at some of these minutes. At page 45 in the English document book, at page 73 of the German document book, "Discussion in Leuna", (Farben's plant) "on 11 October 1934". Representing the Wehrmacht: General von Bockelberg. Present, representing I.G. FARBEH: The defendant Krauch, defendant Schneider, defendant Buetofisch. The person keeping the minutes of this meeting is a fellow by the name of Koppenberg. It appears at the end of the document. Koppenberg, in a document which we shall later submit, gives a detailed history of the progress and development and mobilization in connection with synthetic oil. I call attention to his name now so that, when the document of Dr. Koppenberg's treatise comes up, we'll know who he is.

At page 46, the German document book, 74, still the minutes of the meeting of October, 1934, in the presence of a Wehrmacht general:

Q: The statements of Dr. Buete-fisch and Dr. Pior were followed by a discussion in which the needs of aviation were especially dealt with."

Further down, two paragraphs:

"Finally, there was a long discussion which greatly contributed to the initial clarification of the situation as a whole. It resulted in the following:

"Regardless of the fact that there has as yet been no formal organization of the company," which is a better translation, "in order to save time, a beginning shall already now be made with the practical work. Those parts which require a very long delivery time, the dates of which are moreover already precisely established, shall be ordered as soon as possible.

"The higher administration of the project takes place in Berlin. The Management (General von Bockelberg, Dr. Krauch, Mr. X...", and we shall very shortly see who "Mr. X" is, " ... and Koppenberg)..."

The paragraph below:

"The special technical and technological work will be carried out in Ludwigshafen and Leuna." That is, Farben plants. "A suitable communication will be established between Berlin and Leuna."

At page 47, 76 of the German document book, this is still the minutes of October, 1934.

"The directions of the I. G. will be followed as to the erection of the works" meaning the plants at Brabag. "All the knowledge and experience of the corresponding experimental and manufacturing plants of I. G. will be utilized."

The next page, 43, page 77 of the German:

"At the suggestion of Dr. Krauch, Mr. Fischer---"another I.G. Farben official---"further particularly stressed the necessity of the contracts shortly to be concluded. The following were named in systematic order: the license contract with the I.G., the coal delivery contracts with the coal supply works, electric power," and so on.

And then the last paragraph, on page 78 of the German:

"General von Bockelberg and Dr. Krauch will now communicate with President Dr. Schacht concerning the further pursuit of the project."

On the page 49 which is page 79 of the German book appears the document with respect to the organization of the Brabag company, 26 October 1934, two weeks following this meeting with the Wehrmacht. I call your attention, if Your Honors please, on page 49 to the incorporators. Number 2. Dr. Buettelisch from Leuna. That is the defendant, Buettelisch.

THE PRESIDENT: Pardon me, Counsel, do you have much more comment to make with reference to this exhibit?

MR. ANCHAN: Yes, I have, This is quite an interesting exhibit?

THE PRESIDENT: Then I think that it is necessary for the Tribunal to say that in order that the members may meet an appointment that we had previously made at a time when we knew not the hour that this will be convenient time for us to rise for our noon recess.

The Tribunal will stand in recess until one-thirty o'clock this afternoon when Counsel may continue. Is that satisfactory?

MR. ANCHAN: That is perfectly all right

(The Tribunal recessed until 1330 hours.)

AFTERNOON SESSION

THE MARSHAL: Persons in the court room will be seated.

The Tribunal is again in session.

THE PRESIDENT: The Tribunal is very sorry to have imposed such a long intermission on you gentlemen. We shall not repeat that more often than is positively necessary.

The Prosecution may proceed.

MR. AMCHAN: We were discussing, if Your Honors please, Prosecution Exhibit 517, being NI 3975, and we reached the point where we indicated what transpired at the meeting of 11 October 1934, where the representatives of the Wehrmacht and I.G. Farben were present.

May I ask Your Honors to please turn to page 49, which is page 79 of the German book. That is the agreement setting up the Brabag Corporation; and we call attention to the defendant Bueteifisch's participation. On page 51, two pages further appears the official name of the company: Braunkohle-Benzin-Aktengesellschaft; the abbreviation is the origin of Brabag.

On page 52, page 83 of the German book, under Article 2, the purpose of the company is briefly set forth: "The company will engage in the manufacture of fuels and lubricants, by using bituminous coal, and in the construction or the purchase of plants which are suited to the attainment and furtherance of these aims."

At page 54, which is page 86 of the German book, Your Honors will note, under Item 1, a capital contribution by I.G. Farben in the company of ten million Reichsmarks, and the total capitalization of Brabag at one hundred million Reichsmarks.

Passing to page 57, page 89 of the German book, three figures down, I.G. Farben's participation increased to thirteen-odd million Reichsmarks.

We offer next in evidence, as Prosecution Exhibit 518, NI-7669, being a report of a conference of the Oil Committee at Ludwigshefen, 10 January 1935. At page 59, German Document Boo, page 91, the agenda

First Joint Motion of the Pros. and
956 Defense to correct the Engl.
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under 3, indicates discussion on the establishment of the Braunkohlen A.G., and their relation to I.G. Farben.

I ask Your Honors to note especially the persons present at that meeting; the defendants ter Meer, Jaehns, Schneider, Bueteffisch, Kuehne, Ambros, and Krauch.

Proceeding further, on page 61 of the English Book, page 95 of the German book--the lower center of the page--setting out the Vorstand, the managing board of directors of the Brabag Company names we think are significant.

Your Honors will recall, with respect to a previous exhibit, 3975, the meeting of October 11, 1934, when they were discussing who was to be on the Brabag they mentioned Gen. von Bockelberg, Dr. Krauch, and a Mr. "X". Mr. "X" makes his appearance here in the person of Kranefuss, that name is quite significant, Kranefuss, and Krauch on the Vorstand. In connection with Count III we shall present evidence of the intimacy between I.G. Farben and the SS, and that as a result of that intimacy I.G. Farben was able to secure concentration camp labor from the SS.

Kranefuss, who appears here on the managing directors of the Brabag Your Honors will see later from the evidence was a lieutenant general in the SS. He was a member of the intimate Himmler, or Keopler, circle.

We just identify him at this point to indicate the relationship and close association between the defendant Krauch, sitting on the same board, and the defendant Bueteffisch, the technical manager and director of Brabag.

We pass next to page 62, German document book page 96, in the middle of the page. They are still discussing that at the meeting: "The Braunkohlenbenzin-Aktiengesellschaft is to sign a licence contract with I.G. regarding hydrogenation." That is at the bottom of the first paragraph. "The Fuehrer's Commissioner for Economy, Herr Keopler"--we have met him before--" was appointed as chairman of the Aufsichtsrat"--the

supervising board--" of the Brabag by the Reich Minister for Economy, Dr. Schacht."

We offer next, as Prosecution Exhibit 519, NI-7319, being an interrogation of the defendant von Knieriem; and it relates to a continuation of the policy to attract capital to build plants for the hydrogenation through the I.G. Farben process, and the production of synthetic gasoline.

I ask Your Honors to turn to page 65, which is page 102 of the German book. I shall read portions of this because I think, Your Honors, the selected portions will give a short survey of the substance of this document. Toward the bottom of the page, the answer of the defendant von Knieriem? "Now comes Poelitz. It was a very big hydrogenation plant in the neighborhood of Stettin.These things started in this way. Standard and Royal Dutch Shell had both 100 percent subsidiaries in Germany which owned the whole transportation facilities and filling stations in Germany... Now both these companies distributed the gasoline and the oil of Standard and Shell respectively throughout the whole of Germany, and they got money and certainly made profits. These profits could be used in Germany by the 100-percent-owned subsidiaries of the mother countries, but this money could not have been transferred. These marks could not have been transferred and changed into dollars and transferred in accordance with regulations of foreign currency."

And then he speaks further about the German law "made it impossible to pay dollars for marks and send the money to America."

A little further down, "now the result was that they," (speaking of these two companies) "had a lot of marks in Germany not knowing what to do with it."

And the next answer: "The Government approached them, asking them to join hands with I.G. and for that money and spend the money in building a big hydrogenation plant. I did not take part in any negotiations for the Government, but I" (this is von Knieriem speaking) "went to London

to talk the whole thing over with Standard and Shell, in about 1937, and I had long discussions with Standard and Shell about it. The trouble was that they did not like to create a plant which made gasoline out of imported oil."

A little further down he says, "but they said as long as coal is used 'we are willing to do it'."

At the next page, 67, at the top, which is 104 of the German: "I don't quite remember the details, but the important thing was that in the end a company was formed whereby Shell, Standard, and I.G. took about one-third of the stock."

A little further down:

Question: "Now this new company that was formed, as a result of your London discussion, what was the name of the company?"

Answer: "Hydrier-Werke."

Question: "If I understand you correctly, Standard and Dutch Shell each acquired one-third interest in this Hydrier-Werke, and this new corporation constructed the hydrogenation plant."

Answer: "Yes."

Question: "At what place?"

Answer: "At Pöhlitz. After the advice and help and drawings of I.G., and made a licence contract with I.G."

Question: "The new corporation Hydrier-Werke used I.G.'s processes, is that correct?"

Answer: "Yes."

Question: "The contribution that Standard and Dutch Shell made to Hydrier-Werke was out of the 'blocked marks' they had in Germany?"

Answer: "Yes."

"Q. Is it fair to say that Standard and Dutch Shell had no alternative but to join in this company because otherwise they could not get the benefit of the credits and money they had in Germany?

"A. Well, that is a very difficult question. These things relating to foreign currency are a very difficult one. I think you could use within Germany your 'blocked marks' to a certain extent. At least I don't see any reason why they couldn't have gotten permission to build a hotel or something, but you have to spend it in Germany."

At page 75, 113 of the German document book, about two-thirds down on the page:

"Q. And as the result of the organization of this Hydrier Werke, a hydrogenation plant was constructed. At Boelitz, was it?

"A. Yes.

"Q. Was the Vorstand informed of all of it?

"A. Yes, certainly.

"Q. Who in the Vorstand asked you to undertake those negotiations in London?

"A. Well, probably Bueteffisch. Bueteffisch and Fischer. Fischer was not in the Vorstand but was specific selling man for all oil questions."

At the next page, 76, which is 113 of the German document book, one-third down the page:

"Q. Is it fair to say that during the period 1936-1937-1938 I.G.'s interests in the construction of hydrogenation plants was to see that its process was to be used for the production of synthetic gasoline? Is that a fair statement?

"A. Yes.

"Q. In other words, I.G. would be interested in having additional plants constructed regardless of whether it constructed or owned the plant so long as its process was being used?

"A. The thing is like this. If I.G. has developed such a valuable process, as a rule it would fabricate itself, but to erect so many hydro-

generation plants by itself would have passed over the money power of I.G.

"Q. Would have been beyond its financial capacity?

"A. Yes...."

Next: "Q. You mean the cost of producing synthetic gasoline was so great---"

"A. The cost of developing process was so great.

"Q. So great that it was financially unprofitable even though everybody in Germany who was using synthetic gasoline had to use your process and pay you royalty.

"A. I am going to say, if you put on one side cost spent in developing process and on other side the consideration of Standard Oil and all the amounts of royalties flowing to I.G., the left side was still bigger than the right side.

"Q. The loss exceeded the profit?

"A. Yes."

DR. SILCHER: Mr. President, the photostat of the original which I have just been looking at contains a total of 29 pages. In the German document book which I have there are reproduced only the pages up to page 23 of the original, inclusive, so that pages 24 to 29 are omitted. From page 29 the signature is reproduced. That's on page 110 of the German document book, page 78 of the English. At the top it says "page 19" and at the bottom it says "page 29". I don't know whether the English document book contains pages 24 to 28 or not. In any case I believe I must make the application that, if the document is offered, the complete document must be offered. In this case the defense would not be in a position to submit the part not submitted by the prosecution since it is an interrogation carried out by the prosecution. I would be grateful to find out first of all in what form the Tribunal has this document, and then I should like to speak again depending upon the answer to this question.

THE PRESIDENT: We have not had an opportunity, of course, to look at the document beyond the parts that have been called to our attention

by counsel for the prosecution. Perhaps the prosecution can answer your question as to whether the parts of the document are in our books.

MR. SPRECHER: Yes, Your Honors. The last five pages are not contained in either the English or the German document books. Of course, all the pages are in the exhibit which has been introduced, the German photostat being complete. This is a typical case, Your Honor, where I think, if counsel for the defense feels that there is something more that is relevant that should be introduced, that is a matter which we shall from now on have to leave up to them to do in the absence of further instructions from Your Honors, simply on the ground that that tends to run into the defense case and not the prosecution case, and that we have inserted what we believe is a fair representation of the document insofar as it is important in this connection.

THE PRESIDENT: We understand that it is not contended that the entire document is not contained in the exhibit, but only that portions of it have been omitted from the document books. After all, the controlling document, so far as what has been admitted in evidence before this Tribunal, is the exhibit proper. As has been remarked before, these books, like we have on the bench and like counsel for the defendant has before him, are matters of convenience only. Now, we have then this situation, as we understand the facts to be: the entire document has been offered and received in evidence. The prosecution has called to the attention of the Tribunal certain portions of the document which, it contends, support the prosecution's theory. Since the entire document is before the Tribunal, it will be entirely proper at the appropriate time for counsel for the defense to offer any other parts of the document that have not been called to the attention of the Tribunal by the prosecution. It seems that that is a complete answer to the present problem. The document in its entirety is before us. The prosecution has called attention to certain parts. The defense at the proper time may supplement that showing by calling our attention to additional parts if they feel that there is material in it that will

support the defense.

DR. SILCHER: I beg your pardon, Mr. President, if I am not quite acquainted with the rules of procedure yet. I don't know whether the defense will be technically in a position to offer pages 24 to 28 if we have them neither in the English nor in the German document books. In the second place, however, if I understood correctly, the whole document was offered in evidence, including pages 24 to 28, since there is a complete copy here. Then I believe I must object to the offering of this document because pages 24 to 28 were not submitted to the defense 24 hours before hand.

THE PRESIDENT: It seems to me that the problem that counsel for the defense is confronted with is of a different character rather than that stated in the objection. If the defense desires a translation of that part of the document that has not been called to the attention of the Court but is contained in the exhibit proper, the view of the Tribunal is that the defense is entitled to that translation, so that they may determine at a later time whether they desire to offer additional parts or all of the omitted parts of the document. It seems that would suffice, and on the application of the defense we shall be glad to order a translation of those parts of the document which have not been called to the attention of the Tribunal by being included in the document books in the hands of the Tribunal and the defense. Would that not suffice, Counsel?

DR. SILCHER: Mr. President, I cannot say anything with respect to these pages because I have not seen them. It could be that if I had seen them 24 hours beforehand I might have some objection to the submission of this document. Therefore, I ask that this document be passed and that we be given an opportunity to have these missing pages translated and to form an opinion of them.

MR. SPRECHER: Your Honor, I think we are running into something here which is going to recur again, and therefore I beg the permission of the Court to make a few remarks. In the first place, Dr. Silcher, I think, could be advised, if he consulted the head of the Defense Center, that he would have no difficulty in getting the full copy of the documents, when he has problems like this. That's point one. Point Two: copies of the photostats of all of these documents are always delivered to the Defense Center. Whether this particular one is there or not, I don't know. I think Dr. Silcher, if he had inquired, could have found out. Now, the Prosecution feels that to have constant interruptions by the Defense on this point before they have inquired and used the normal facilities is to burden the record. I think these are matters which can be straightened out not here before the Tribunal, and these things are of a nature which can be handled later, and where the Prosecution will certainly have no objection to Dr. Silcher or anybody else reopening the question after they have taken time outside the session to use the facilities which they are entitled to, and to do that will give them full possession of the facts.

DR. SILCHER: Mr. President, I hope you won't think I am too complaining if I insist upon my point of view. It is extremely difficult for us, in view of the relatively great speed with which the documents are offered, to follow and prepare for the sessions adequately with our clients. Then, if we cannot even rely on our document books containing the complete documents, that is, if we must expect that parts of document are offered, as in this case, which are not in our document books, that would mean that in addition to the work we already had we would also have to examine the document beforehand in the Defense Information Center to determine whether there is not something in the original document or photostat offered in evidence which is missing in our document books.

I believe that the work would be so extensive that we could not

cope with it in that case. It is only this point of view that we simply do not know how to cope with the work in that case, which unfortunately forces me to insist upon my objection, and, to be more precise, to object to the submission of the whole document because an integral part of it, five pages, was not submitted to the Defense the prescribed 24 hours beforehand. The reference to the possibility of seeing the document itself in the Defense Center is not pertinent, I believe, because the Defense should have the document in its document books 24 hours beforehand.

BR. GIERLICH: (For the Defendant Geheimrat Schmitz) Your Honors, I regret that we have to burden the Tribunal with technical matters, but the statement which Mr. Sprecher has just made makes it seem necessary to me to clarify this situation. As Capt. Rice of the Defense Administration told me sometime ago in the course of a conversation, it was customary in the previous trials that the photostats of the individual documents as we have them here are made available in the Defense Center, two copies of each document, one of which was filed in the Defense Center by the NI number, while the other copy was placed at the disposal of the Defense, so that the Defense would have an opportunity to compare the documents before the session as far as possible and thus to avoid interruptions in the course of the trial. As Captain Rice told me, in the I. G. trials only one photostatic copy has been delivered. When I went to the room concerned I found these photostatic copies simply lying in a pile in great confusion. On the same day I discussed the situation with Mr. Sprecher and asked for assistance so that in the rest of the case it would be seen to that two copies were delivered and one of them would be available in an orderly way. Nothing has been done yet, and I considered it my duty to clarify this situation since, if I understood the statement of the Prosecutor correctly, a certain reproach was made to the Defense for bringing such things up in Court. In view of the existing difficulties and technical problems of dealing with the material, I must join the

statement of my colleague Silcher and say that the Defense is not in a position to cope with this preparatory work outside of Court beforehand if the technical conditions prevailing in the other trials are not secured in our case as well.

THE PRESIDENT: In the first place we can assure Counsel for the Defense that they do not owe the Tribunal any apology for urging upon the consideration of the Tribunal matters which they deem of importance to their clients. That is your right and your function. We expect you to do that. This does not appear to the Tribunal to be as serious a matter as the discussion seemed to indicate. To review again the situation with which we are confronted: the exhibit offered and introduced in evidence, as we understand, is a photostatic copy of the original document in the German language in complete form. I am speaking now not of your book but of the exhibit which has been offered by the Prosecution. Your book and our book contain excerpts from that same document, yours in German, ours in English, and presumably identical except for the difference in language. Now, the Prosecution has not sought to read into the record or to direct the Tribunal's attention to the entire document, but it is available to the Defense nevertheless, and it is difficult to see how the invoking of the two-day rule could harm you unless you were in a situation where you would be expected to determine whether you desired to offer this document upon short notice, but I think we all know as a practical matter there is going to be a long time intervening before Counsel for the Defense must determine whether or not there is anything of value in this document which should be called to the attention of the Tribunal, and it may be repeated what has already been said -- that upon a showing that the original of this document is not made available to Counsel for the Defense or if you are not provided with a German copy of it in due time for you to determine whether you desire to offer additional parts of it, this Tribunal will undertake to see that you receive the benefit of that service. We cannot, of course, undertake

to supervise these administrative agencies in the details of the management of their offices. It would be too burdensome, first, to undertake it, but we will, in a substantial way and in so far as it affects the vital rights of these defendants, undertake to see that you get service that will afford you a timely opportunity to make a showing to the Tribunal. The Prosecution may proceed.

MR. SPRECHER: Your Honor, there's just one point where there's a slight error, if I understood you correctly. The original in this case, which is rather unusual, happens to be in the English language; other than that there is no problem.

THE PRESIDENT: Then, under those circumstances, upon request the Tribunal feels that a copy in the German language should be furnished to Counsel for the Defense.

JUDGE HEBERT: I should like to ask the prosecutor for my information whether there are many instances in which the photostatic copy of the document introduced in evidence is longer or contains material which is omitted from the copies which are furnished to us for working copies?

MR. SPRECHER: Yes, your Honor, I shouldn't say in more than perhaps ten per cent of the cases but, for example with respect to many of the government reports which include many things, for instance the Reichsgesetzblatt, the Reich Legal Gazette, we only put in the regular decrees and not the surrounding decrees and many times only put in a fraction of the decrees, and we try to indicate the relevant parts to your Honors and still have available the entire matter in the language understandable to the German Defense Counsel and the Defendants. Of course, numerous of the Defense Counsel do speak English, and a very large number of the Defendants do speak English, but even so we will attempt in all cases to make available in the language they understand, the material on the specific points of having a translation made, naturally, they have the services of the Defense Center where they don't speak English or don't want to. I know some

of the Defendants do speak English.

DR. SILCHER: If I understood correctly, your ruling was to the effect -- and this seems to me so important that I should like to make it clear, because I am not quite sure -- that in all cases in which a document is offered in the form of a photostat, the copies which are given to you and to us should be complete copies of the document. This is the first time I have heard that in about ten per cent of the documents this is not the case hitherto. We have had a number of documents where the copy in our books is expressly marked as "excerpts from document so and so." In this case there is no mention of excerpts. It just says "document so and so". It is only by comparing page numbers that one could see that this was not the whole document as given in the photostat. The word "excerpt" is not inserted here. According to the heading, one would believe it is the whole document. Perhaps it would be a suitable request that if the Prosecution considers a document so important that it is offered in its whole form, then the whole document should be copied for the Tribunal and for the Defense, but if the Prosecution does not consider the document so material as to offer the whole document in evidence but wants to offer only excerpts, then the original or the photostat which is put in the files should be excerpts, the same excerpts as in the document book. I think it is very difficult if one can not rely on the document books, if one must expect that the material which the Tribunal has is more extensive.

THE PRESIDENT: It is apparent that Counsel has misunderstood the Tribunal. We did not mean to say that when the Prosecution desires to offer less than the whole of a document it must, nevertheless, furnish the Tribunal and Counsel for the Defense with a complete copy of the entire document. What we did mean to say was this, that when Counsel for the Prosecution offers a part of a document, the books furnished Counsel for the Defense and the Tribunal should contain a copy of the part offered, so that the Defense may have reasonable notice of what the Prosecution intends to call to the attention of the Tribunal. But certainly, we do not subscribe to the idea that if, for example, a paragraph out of a large volume was offered in evidence by the Prosecution, that the entire book should be translated and laid before Counsel for the Defense and the Tribunal. It will suffice, under those circumstances, if the book is available and that Counsel for the Defense may have a translation of that part of it which they desire later to use. Now, it seems to me that is simple. That certainly is in accordance with what we understand to be well-established practice. It is not calculated to burden this record with material in which neither the Prosecution nor the Defense has any particular interest and which the Tribunal, under those circumstances, does not care to see, and the ruling that we have tried to make clear is calculated, we think, to fully and adequately protect the rights and interests of each and everyone of these defendants. The Tribunal is clear in its concept of what this ruling ought to be, and we think we now have made our ruling sufficiently clear to be understood, and we must admonish Counsel to proceed with the presentation of the Prosecution's evidence.

MR. AMCHAN: We offer, if Your Honors please, as Prosecution Exhibit 520, NI-5620, which are the minutes of a meeting of the Commercial Committee of I.G. Farben, dated 10 February 1938, in which report is made with respect to the founding of the Hydrier-Werke and for the construction of plants to produce synthetic gasoline. The purpose of

these minutes of the Commercial Committee is merely to confirm the statements made by the Defendant von Knieriem, to which I have just called the Court's attention.

We offer next, as Prosecution Exhibit 521, NI-7767, being the license agreement between I.G. Farben and Brabag. I ask Your Honors to note at page 87 of the English Document Book, page 127 of the German the signatures on this document. The Defendant Krauch, Kranefuss, and the Defendant Buetefish. That's at page 87 of the English book, at the end of the document.

The six or seven documents that we just presented in evidence are the documents in connection with the Brabag story and I.G. Farben's participation in it.

We offer next, as Prosecution Exhibit 522, NI-9922, which is a memorandum prepared by I.G., dated 19 November 1936.

THE PRESIDENT: I may have misunderstood you, counsel. Did you say as Exhibit 522?

MR. AMCHAN: That's correct. 522. NI-9922.

THE PRESIDENT: What is your 521?

MR. AMCHAN: 7767.

THE PRESIDENT: O.k.

MR. AMCHAN: Which is the license agreement.

THE PRESIDENT: Yes, very well.

MR. AMCHAN: 522, being NI-9922, an I.G. Farben memorandum dated November, 1936, with respect to the cost of operating the hydrogenation process. I ask Your Honors to turn to page 92, page 133 in the German book. At the top of the page we get the figure 482 million Reichsmarks. That figure is the total expenditure made in connection with developing the hydrogenation process. At the end of the column, appears the figure 336 million Reichsmarks. That is the losses sustained in developing the hydrogenation process, so that, from this angle, the hydrogenation loss not covered comes to 336 million Reichsmarks.

The next document, NI-6765, is already in evidence as Prosecution Exhibit 31. It's a statement by Jaehne of 2 May 1947, stating that I.G. Farben could not continue gasoline production after 1931 without subsidies. Now, that statement is quite short. It's on page 93, page 135 of the German book. At the end of the first paragraph, the Defendant Jaehne says:

"Up to then, 400 million Reichsmarks have been spent for experiment and development."

Now, we ask Your Honors to note please, Jaehne is talking about the amount spent, 400 million. The preceding document indicated that the amount spent was 482 million, but the losses were 336 million, and I point that out to show that there is no discrepancy between the documents. Jaehne is speaking about the amount spent, which is in accord with the previous document, and the previous document shows the losses, 336 million.

We offer next, as Prosecution Exhibit 523, NI-5931. There are three documents: (a) A letter of I.G. to the Reich Air Ministry, dated 3 July 1935. That's an error, 1933. It's 1935. (b) A letter from the Reich Air Ministry to I.G., dated June, 1935, and the third one, the minutes of a conference in Ludwigshafen, 24 June 1935. 1934 is an error in the descriptive index.

Page 97 in the English book. A meeting of June 24, 1935. Present, representatives of I.G., Army Ordnance and the Reich Air Ministry. The first paragraph, which is on page 140 of the German book:

"Iso-Octane production.

"The experimental installation for the production of 1000 liters of Iso-Octane per day was started at the end of 1935...."

The date is significant, as Your Honors will shortly see.

At page 99, the minutes of this meeting are signed by the Air Ministry representative. Page 143 of the German book, under sub-division 4:

"Ensuring secrecy of developmental work.

"I.G. is bound by contract to an extensive exchange of experience with Standard. This position seems untenable as far as developmental work is concerned, which is being carried out for the Reich Air Ministry.

And the last paragraph:

"I.G. will suggest the necessary security measures to the Reich Air Ministry, under special consideration of the situation."

That's 1935.

Page 96, if Your Honors please, page 139 of the German book, is a letter from the Air Ministry representative to Dr. Cunradi, a former Vorstand of I.G., enclosing a copy of the conference minutes that I just discussed, and he points out particularly that this record should be treated as strictly confidential.

Page 95 - I think we covered 95.

Now, with respect to this document, I particularly call attention to the dates. June, 1935, the first meeting, and July, 1935. At this point, we ask Your Honors to take judicial notice of the Judgment of the International Military Tribunal. I am reading from Volume I, the Official Edition, page 184:

The Tribunal there said:

"In 1935 the Nazi government decided to take the first open steps to free itself of its obligations under the Treaty of Versailles. On 10 March 1935, Goering announced that Germany was building a military air force. Six days later, on 16 March 1935, a law was passed, bearing the signatures, among others, of the defendants Goering, Hess, Frank, Frick, Schacht, and von Neurath, instituting compulsory military service and fixing the establishment of the German army at a peace strength of 500,000 men. In an endeavor to reassure public opinion in other countries, the government announced, on 21 May 1935 "preceding these

conferences" that German would, although renouncing the disarmament clauses, still respect the territorial limitations of the Versailles Treaty and would comply with the Locarno Pact. Nevertheless, on the very day of this announcement, the secret Reich Defense Law was passed and its publication forbidden by Hitler. In this law, the powers and duties of the Chancellor and other Ministers were defined should Germany become involved in war. It is clear from this law that, by May of 1935, Hitler and his government had arrived at the stage in the carrying out of their policies when it was necessary for them to have in existence the requisite machinery for the administration and government of Germany in the event of their policy leading to war."

At page 226 of the Judgment of the IMT, we ask Your Honors to take judicial notice of this finding of the Military Tribunal:

"Hitler could not make aggressive war by himself. He had to have the cooperation of statemen, military leaders, diplomats and business men. When they, with knowledge of his aims, gave him their cooperation, they made themselves parties to the plan he had initiated. They are not to be deemed innocent because Hitler made use of them; if they know what they were doing. That they were assigned to their tasks by a dictator does not absolve them from responsibility for their acts. The relationship of leader and follower does not preclude responsibility here any more than it does in the comparable tyranny of organized domestic crimes."

I again call attention, if Your Honors please, to Prosecution Exhibit 523, conferences with the military officials after May 1935.

We offer next in evidence, if Your Honors please, as Prosecution Exhibit 524, NI 9088, which is a letter of the Reich Air Ministry to the Army Ordnance, dated 4 September 1934, giving details about the use of synthetic gasoline for the production of aircraft engines.

On Page 102 of the document book, which is page 146 of the German, at the middle of that page, this significant paragraph appears. Your Honors will note this was a top secret document.

"The I.G. representative ... "

They are discussing the production of mineral oil synthetically and gasoline.

"The I.G. representatives could give no satisfactory information on the subject and was therefore asked to furnish, without delay, a definite reply to the question, what will be the maximum capacity of Leuna Works in the middle of 1935 after the completion of the expansion, if the raw materials lignite and coal tar cease to be available."

I call attention, if Your Honors please, to the date of this. A secret meeting, 27 August 1934, fixing a target date for the production of gasoline in the middle of 1935.

At page 103, if Your Honors please, page 147 of the German book, toward the bottom of the page:

"C. Lead tetra-ethyl."

Still the same conference in 1934.

"I.G. is asked to conduct negotiations as quickly as possible for a license for the production of lead tetra-ethyl. If at all possible, an attempt should be made to obtain a general license permitting production of unlimited quantities.

" Only of this is impossible should a license for a limited quantity be accepted, that is, for the production of 1 ton per day. It is intended either to build this plant with a considerably greater potential capacity, and only to produce 360 tons a year for the time being, or alternatively to build one or two more plants and keep them in operation."

That was at page 103 that I just discussed, and if we go back a minute to 102, to the portion I just read, about the middle of 1935, which is 146 of the German book, the paragraph immediately following is quite interesting:

"For this reason, the acceleration of tests to ascertain the suitability for aircraft engines of Leuna III, appears to be even more important than the tests on Leuna II, as, in the event of war, such a situation must be reckoned with."

The next three documents, if Your Honors please, I think we can offer more or less together. It is Prosecution Exhibit 525, NI 355, copy of a letter of Clemm, the head of the Economic Group Chemical Industry, to the Reich Chamber of Economics. As Prosecution Exhibit 526,

NI 358, a letter from Ungewitter, the Manager of the Economic Group Chemical Industry, to the Reich Economic Ministry. And as Prosecution Exhibit 527, NI 357, another letter from Clomm, of Economic Group Chemistry, to the Reich Ministry of Economics. These three letters indicate the steps that the chemical group industry were taking to secure exemptions from taxes for the oil industry, particularly pointing out the Farben situation and the purpose for which Farben was producing synthetic oils.

Document NI 5380 is already in evidence as Prosecution Exhibit 400. The date, we think, is significant. 26 May 1936. Top secret record of the meeting of the Advisory Committee about questions of raw material, under the chairmanship of Goering. The defendant Schmitz is present. May I refer to page 130, page 183 of the German book, in the middle of the page:

"Inspector General of Mines Schlattmann: Stresses that today very much oil is still being thrown away. He raises the point, that the quality of the lubricating-oil production can be improved considerably by recently acquired knowledge of American processes for refining oils. The Leuna production has been concentrated more on German oils. Similarly, the Hamburg firms have been induced to use German oils in order to have suitable machinery for German oil on hand in the A-case."

Schmitz is present at this conference.

"Meanwhile the main supply must be provided by synthetic production. Synthetic oils have proved themselves to be of equally good quality as foreign oils.

"Goering emphasized that in the A-case (A-Fall) we would not, under certain circumstances, get a drop of oil from abroad. With the thorough motorization of the army and navy the whole problem of conducting a war depends on this. All preparations must be made for the A-case so that the supply of the wartime army is safeguarded."

Goering, speaking at the conference.

At page 132, the Defendant Schmitz speaks up. Page 185 of the German book. This, Your Honors, incidentally, relates to synthetic rubber, and I ask you to consider that when we come to synthetic rubber. At this point, it is enough to mention that at this meeting they are talking about the preparation of war, the Defendant Schmitz is there and participates in the discussion, and, at page 132 is the Defendant Schmitz' participation in the discussion with respect to rubber.

The next document, if Your Honors please, is already in evidence as Prosecution Exhibit 4⁰¹, being 1301 PS. Your Honors might note that they both appear in Book 19. 1301 PS appeared in Book 19, and so did NI 5380. They appeared in Book 19 previously.

1301 PS. "Top Secret Record of the Council of Ministers on 12 May 1936."

The document also has, and this isn't in the description in the index, the minutes of a meeting of 27 May 1936. That's the day after Goering's meeting that I just mentioned.

I'll ask Your Honors to turn to page 162. Page 219. We might turn to page 161, page 217 of the German.

Your Honors will note, on page 161, "Copy of meeting of Ministers on 27 May 1936." You can see who's present. The first paragraph. Page 217 of the German.

"Prime Minister Goering: The two sessions of the board of experts held so far have brought forth interesting discussions."

That obviously refers to the session of the preceding day which we referred to in the earlier document.

"Naturally, opinions frequently disagree. The experts are invited to state their concepts in writing."

Page 162, Page 219 of the German.

"Certain raw materials for war must be stocked.

"These viewpoints are recognized and followed by the Reich Ministry for Economy. The execution is mainly dependent on the question of funds. Therefore, necessity to save in all fields, to make saved funds available for investment.

"Prime Minister Goering: All measures are to be considered from the standpoint of an

assured waging of war."

Page 164, which is Page 222 of the German book. In understand Mr. Charnatz called to Your Honors' attention yesterday the reference by Minister von Blomberg about the Kaiser Wilhelm Gesellschaft, with a request that Geheimrat Bosch, if possible, as heading that post when his resignation from I.G. is possible, and von Blomberg's statement of the close working relationship between the military and the Kaiser Wilhelm Institute.

That concludes, if Your Honors please, this document book, and Document Book 27 also relates to gasoline, and I leave it to Your Honors' judgment whether this is an appropriate time for a recess.

THE PRESIDENT: I beg Counsel's pardon. I did not hear.

MR. AMCHAN: I wondered if this would be an appropriate time for a recess.

THE PRESIDENT: Well, it's a bit early, but it is also quite warm, and I think we will rise for our recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

MR. ANCHAY: Before we leave Book XXVI, if Your Honors please, unless you have already left it, we should like to add an additional document. If you left it, we can just as soon put it at the beginning of XXVII.

THE PRESIDENT: Is that the one that was distributed?

MR. ANCHAY: That's right, NI-7836, which was distributed. We offer that in evidence as Prosecution Exhibit 528, NI-7836. It is a copy of a letter dated 18 September 1936 from the Reich Minister of Aviation to the Reich Minister for War, enclosing a copy of a contract with the Ammonia Werk Herseburg for their information.

Your Honors recall the Ammonia Werk is a subsidiary of I.G. Farben. On Page 5 of this document we call attention to the date. That is at the top of page 5, 10 June 1936. The contract simply is for the construction of plants for the production of aviation gasoline. The significance of the date, 10 June 1936, we think lies in the fact, especially when considered in relation to the two documents I referred to, 1301-PS and 5360, which were meetings of 26 May 1936 and 27 May 1936 of the military people at high levels, discussing mineral oil and synthetic gasoline - two or three weeks after those meetings comes this contract of 10 June 1936 for the production of aviation gasoline.

THE PRESIDENT: So there may be no confusion, we are adding that as the last document to Book XXVI. You so understand it?

MR. ANCHAY: Fine.

We next offer in evidence in Book XVII - I am sorry; we are about to proceed with Book XXVII, the second book on gasoline. We offer in evidence, as Prosecution Exhibit 529, NI-5909, which is the minutes of a meeting of the technical management on 12 October 1936 - the dates again I think are significant - where the defendants Lautenschlaeger and Jaehne are present and there is discussion on the question of procuring synthetic gasoline and rubber under the Four Year Plan. No further reading need be made. The date, as I say, is significant.

We offer next in evidence, as Prosecution Exhibit 530, NI-8200, being the minutes of a meeting of the Aufsichtsrat - that is the supervisory board of I.G. - on 17 October 1936, and the minutes disclose the Defendant Schmitz reporting to the Aufsichtsrat the extent of I.G. Farben's participation in the Four Year Plan. And we again call attention to the date, 17 October 1936, three months after Schmitz was present at the meeting with Goering, when he told him about the preparations.

I think we can go back to NI-6767, which is already in evidence as Prosecution Exhibit 30. It is an interrogation of the Defendant Krauch concerning the development of the production of synthetic gasoline.

It is a fairly complete statement, the reading in and of itself sets out the history of I.G. Farben through the years in developing this synthetic gasoline process.

We call attention next to NI-6524, which is already in evidence as Exhibit 13, being another affidavit by the Defendant Krauch to the effect that Farben processes accounted for nearly all German gasoline production. We ask Your Honors to turn, please, to page 15, which is page 22 of the German document book--toward the center of the page:

"In 1923, Bosch had ordered the development of new processes--since sales reduction could be foreseen even then--in order to set the installations to work on other processes in good time if they become free. At the beginning of 1926, the conversion of Leuna from nitrogen production to hydrogenation of coal was begun. It was planned to have an initial production of 100,000 tons of gasoline per year. Production started under enormous difficulties in 1927 and, therefore, production at full capacity could not be achieved until 1930."

Now, I take that to mean at this point that in 1930 the production capacity of Leuna was 100,000 tons of gasoline--synthetic gasoline.

Krauch then proceeds:

"Then, in 1933, the Feder-Bosch agreement was concluded" that agreement is in evidence--"which led to an increase of production to 200,000 tons by the use of the appropriate units for high-pressure processes and hydrogen production which formerly had been used for nitrogen manufacture."

And just two sentences down:

"It had almost been decided to give up Leuna in 1929 or 1930 in face of the enormous difficulties which had at that time arisen with regard to the gasoline manufacture. Influential executives of I.G.

were at that time of the opinion that it would be the right thing to do to close down the big Leuna works. They were Duisberg and his followers. They wanted to give up the production of gasoline on altogether this occasion, whereas Bosch still remained his point of view that work at these plants had to be continued at any price for the sake of fighting unemployment in Germany--the more so as the plants now covered expenditure although they made no profit."

At the next page, 16--which is page 23 of the German book, in the middle: "As the Government, through Feder, requested us to increase production in Leuna for the purpose of giving employment to more workers, a new agreement was concluded in 1933" It may be page 24 now. "This is the so-called Feder-Bosch agreement, the basic principle of which was a guarantee for a price equal to the cost price at a production rate which was to be increased from 100,000 tons 200,000 tons of gasoline."

The starting point of production in 1933, before they entered into this agreement with Farben, is 100,000 tons. We shall see later the acceleration of that production.

We refer next to NI-8327, which is already in evidence as Exhibit 96. It is a speech by Dr. Struss, who was in charge of the Technical Committee under Dr. ter Meer on the Four-Year-Plan. We have referred to that before. It indicates how important gasoline was in the Four-Year-Plan and just what part I.G. Farben played in it. It has some technical discussion, but a reading of the document will indicate its substance.

We offer next in evidence, as Prosecution Exhibit 531, NI-6627, which are excerpts from a speech by Adolf Hitler in 1937 which was printed in the periodical Four-Year-Plan. In that speech, Hitler states that in two or three years hence, "Germany will be free of requirements of fuel and rubber from abroad." Hitler's speeches are always self-explanatory.

We offer in evidence, as Prosecution 532, NI-8328, being an affidavit by Dr. Struss, identifying a speech with respect to Buna and rubber which he prepared for Prof. Selck. On page 86 is Dr. Struss's affidavit, and I ask Your Honors to turn to Page 57, which is Page 50 of the German book, in fact at the bottom of Page 56. This is Struss going into statistical detail on production and consumption of synthetic gasoline. At the bottom of Page 56, which is page 50 of the Forman book Struss states at that time:

"In Buna for the first time, the maximum production agreed upon with the Reich of 300,000 to 325,000 tons annually was achieved in January 1936 by a production of 25,000 tons monthly." The starting point, as I indicated before, in 1933 was 100,000 tons. In January, 1936, they are up to 325,000 tons.

We offer next in evidence, as Prosecution Exhibit 533, NI-9513, being an affidavit of Dr. Hagert, former official of the Reichsstelle Chemie, with respect to Farben's share in the Four-Year-Plan Mineral Oil Program and its expansion for mobilization purposes. We refer to Page 88 of the English which is page 65 of the German book. Paragraph 3 of Dr. Hagert's affidavit. Incidentally, Paragraph 1 indicates the positions held by Dr. Hagert. He was from '37 to '39 consultant in the Mobilization of the Economic Group Chemical Industries. It says the entire plan of the task of the Four-Year-Plan was shown to him, and he knows about it.

Paragraph 3. He is speaking of the Mineral Oil Plan, and he says: "The Mineral Oil Plan differs from all other prospective undertakings of the Four-Year-Plan by the fact that in addition to peacetime planning it also includes planning for the case of mobilization, that is, in the event of war. The mobilization plan is adjusted to requirements in the year 1938."

And at Page 89, if Your Honors please, which is Page 67 of the German after giving statistical data with respect to production and

consumption of synthetic gasoline in the mobilization plans, Dr. Hagert continues, under Item 6:

"The participation of I.G. and its licensees in the expansions provided for by the Four-Year-Plan, and based on the above figures with the intention of meeting the increased requirements for mineral oil in the event of war, was as follows: ... "And then he breaks down the figures from which the extent of I.G. Farben's participation is plainly visible.

We offer next in evidence as Prosecution Exhibit 534, NI-6708. It is a publication by Major Gen. Loeb, which appeared in the Four-Year-Plan periodicals in 1938. From evidence which Your Honors have already received in connection with the Four-Year-Plan, under 1-C, the position of Major Gen. Loeb was apparently that he was an official in the office of the Four-Year-Plan. Now, in this publication of his he outlines the goal for expansion of the German motor fuel supply, indicating the need to meet the vital motor fuel and lubricant requirements of German industry. It is a technical article; it is historical; it traces from the Government point of view what their problems were and how they met them. The significant part, as you read that document, is, he points out again and again the part that I.G. Farben played in the production and mobilization of synthetic gasoline for this aggressive war.

We offer next, as Prosecution Exhibit 535, NI-7822, which is a copy of a contract dated 7 June 1938 between I.G. and WIFO. WIFO, as your Honors will see a little later is a government organization which undertook the financing of certain plants. This contract between I.G. and WIFO relates to the construction of a plant for the production of tetra-ethyl lead. Page 115 of the Document book in English, Page 104 of the German, indicates, in Article 1:

"I.G. shall build a tetra-ethyl lead plant of the scope evident from the enclosed estimate of costs and the appended plans. WIFO shall grant the I.G. a loan to the amount of the building costs, plus an addition of 3.8 percent for general I.G. expenses. According to the present state of the planning, the building costs are estimated by I.G. at 3,500,000 Reichsmarks."

We offer next in evidence, if your Honors please, as Prosecution Exhibit 536, NI-7127, being a letter from the High Command of the Armed Forces to the Minister of Economics regarding the tetra-ethyl

lead production. The letter is self-explanatory. It is dated 20 October 1939.

Now, at this point, Your Honors, I think it might be helpful to indicate the purposes and the theory of the Prosecution in introducing documents after September 1, 1939. The last exhibit was dated 20 October, 1939. Under Control Council Law, No. 10, crimes against the Peace are defined as including the preparation and planning to wage aggressive war and the waging of aggressive war. And under the definition of the crimes, as set forth in Control Council Law No. 10, one of the factors to consider is the actual participation in waging the aggressive war. So that the purposes of the Prosecution in presenting evidence as to what happened after September 1, 1939--and incidentally, I just pick September 1, 1939 as an arbitrary date because the various acts of aggression and the various acts of warfare occurred after September 1, 1939. To illustrate the point and our theory, for arguments, sake. We picked September 1 as a point whereby we can conveniently indicate what our theory is. And for that purpose the evidence as to I.G. Farben's participation and activity after given that date, or some other date of aggression-relates to the point as we see it, that it constitutes of the crime: Waging aggressive war.

We offer next in evidence, as Prosecution Exhibit 537, NI-7138. It comes from the files of the Reichsstelle Wirtschaftsausbau--which, I understand, is the Chief Armament Economic Office. It refers to the Defendant Krauch's Mineral Oil Plan. It is dated 10 January, 1939.

I will ask your Honors, to please turn to page 121 of the English document book, page 113 of the German book. This is a document coming, as I said, from the files of the Office of Military Economy, 10 January 1939, a memorandum on the effects of the tightening of the capital market and the introduction of the Iron quota on the extension

of mineral oil production. Under Point 1a:

"The Plenipotentiary for Chemical Special Production, Dr. Krauch, has set up a mineral oil production plan which provides up to the end of 1943 for a total increase of mineral oil from 2,800,000 tons per year to 11,300,000 tons per year. The distribution with respect to the individual kinds of mineral oil can be seen from the enclosure."

I ask Your Honors, to turn please, to page 122, which is page 114 of the German document book, under Item 3. This is the military officials of the Government speaking:

"Financing represents a further bottleneck which is at present becoming more and more evident."

And toward the end of the paragraph:

"The basic question must be asked here whether the Reich should not give to the firms participating in the development of mineral oil production partial amounts of Reich loans in the form of loans which are to be amortized and which are to yield interest, in order to do away with the capital obstructions which exist everywhere."

I would like to call attention to that portion, and the significance of it appears to us to be this: It indicates that financing for the erection of these improvements and the granting of loans by the Government and the undertaking of capital expansion beyond the financial capacity of private is directly to the preparations for war, and that financing, according to these minutes of the Government officials themselves, is to be considered and treated as an integral part of war preparations.

We turn next to Page 123 of the same document, which is Page 116 of the German, in the middle of the page, under Sub-division 5; still the same minutes of this office of Military Economy, January 1939

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"The following conclusions may be drawn from the foregoing:

"1. For the conduct of a modern war mineral oil is equally as important as aircraft, tanks, ships, weapons and ammunition. It must therefore be taken into account in connection with total mobilization preparations exactly as every other implement of war, as regards financing and raw materials."

We offer next in evidence as Prosecution Exhibit 538 WL-7471, coming from the files of the Government agency involved, a report on the new military economic production plan. It is dated 31 January 1939. The reference to the document in the table of contents is wrong. I call attention to page 126 which is page 119 of the German book. 31 January 1939. These are notes for a report to Goering on the aims and demands for the continuation of the mineral oil projects. Under I: I. Present Situation:

It has been repeatedly recognized by various offices that mineral oil is just as important for modern warfare as airplanes, armored vehicles, ships, weapons and munitions. Despite this the development of mineral oil production has been completely neglected until now, compared with other mobilization projects, partly through the impossibility to guarantee sufficient funds in the money market. The 18 months plan, as ordered in the Fuehrer's speech in October 1936, for the expansion of the mineral oil production has not yet been reached by a long way. If far-reaching decisions are not made at once, which allow for the practical requirements, a complete failure of the future development of the mineral oil supply is to be expected. Apart from the fact that the mobilization requirements of the Wehrmacht can then not be met for a long time to come in any way, the import for the current peacetime requirements necessitates a considerable amount of foreign currency."

We offer next in evidence, if the Court please, as Prosecution Exhibit 539, WL-6237, excerpts from a book by Anton Zischka entitled "Science Breaks Monopoly", and gives an interesting technical paragraph

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in connection with the importance of the Haber-Bosch development by I. G. Farben. We call attention to page 130, which is page 126 of the German book. About the middle of the page he is speaking of I. G. Farben's Haber-Bosch.

"Only through enormous technical and organizing effort did there become grouped around Haber's pressure boilers the giant plants which not only raised the German home demand for nitrogen fertilizers from 920,000 tons in 1913 to 2,350,000 tons in 1936, and not only reduced the import of Chilean saltpeter from 170,000,000 marks in 1913 to 8,000,000 in 1933, but also completely broke Chile's saltpeter monopoly."

That is speaking of the effect and the figures as to what the hydrogenation process developed by Farben meant with reference to Chile and Chilean ammonia.

"While converted into pure nitrogen there were in 1903 only 352,000 tons of nitrate at the world's disposal, and all this nitrogen was derived from natural sources, in 1933-34 there were 1,787,000 tons of nitrogen and 95.2% of it came from chemical factories; barely a twentieth part of the world-consumption was now met by Chile. From the small ammonia factories in Oppau, where the Haber-Bosch method was first turned to account industrially in 1914, the giant factories of I. G. Farben grew up."

The figures which I call your Honors' attention to appear on the next page 131 and then the center, the significant part I think is just the effect on the world production of nitrogen that this process of I. G. Farben's had. In 1913-14, as you can see from the middle of the page 53.9 of all world production of nitrogen came from Chilean saltpeter. In 1933 only 4.8 percent came from Chilean saltpeter. The loss of the position of Chilean saltpeter for the production of nitrogen was taken up by the hydrogenation process as you can note from the next part that in 1933 95% of the world production of nitrogen came from the synthetic process developed by Farben. Zischka subsequently stated in that discussion of quotas the manufacture of synthetic ammonia as

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the basis of nitrogen being one of the key projects of explosives stems directly from the use of the hydrogenation process or the production of synthetic ammonia. At page 133 which is probably at page 128 of the German, at the bottom of the page there's a bit of a discussion in connection with this hydrogenation process. This name will come up again and very briefly it's a paragraph I think will be helpful. He is speaking now of the hydrogenation process with respect to the production of synthetic gas. What I was discussing before was the hydrogenation process with respect to the production of nitrogen. Now the evidence discusses the process for the production of gasoline:

"Had these patents been more than protection for an idea, had they described a technical process and not a laboratory experiment, the war, which broke out soon after its publication, might perhaps have ended differently. But this Dr. Bergius stood only just at the beginning of a very wearisome read."

Giving the reference to the German book again, I think it's 28. I think I have another line and I will read it slowly to catch it. It says:

"Dr. Bergius succeeded in hydrogenating coal, in combining the carbon from coal with hydrogen under pressure and with the help of a contact-substance, and in building up a molecule similar to that of gasoline."

At page 136 of the German book and at page 134 of the English there's something found with reference to the development of the process. I think it's getting too technical to read orally. At page 135, however, is a factual reference. In the middle of the page, page 139 of the German book, the Leuna works now covers eight square kilometers and has a staff of eleven thousand men. That was a plant that was producing in the main synthetic gasoline.

We offer next as Prosecution Exhibit 540 the publication by Koppenberg which appeared in the Farben magazine in 1937. Your Honors recall I identified Koppenberg as a participant in the conference

back in 1934 with the officials of the government and he himself was an official of that government.

That's NI-6630, Prosecution Exhibit 540. Koppenberg describes the production of mineral oil and coal and the hydrogenation process of the I. G. Farben participated in it. Page 148 in the English Book, page 161 of the German book. At the bottom of page 148:

"As very large quantities of capital are required for the establishing of plants for the production of mineral oil from coal, great urging was necessary in the case of a few construction projects of recent years in order to stimulate private industry in this respect. In times of weak government leadership the fact that foreign oil was obtainable on the other side of our customs boundaries, at a far lower price than it could have been produced from coal by us, KEPLER, "Your Honors will recall Keppler on the board of Brabag among other things. We have met Keppler before," the plenipotentiary of the U.S.D.A.P. for economic questions, deserves particular credit for his efforts to carry Socialist Germany with that of foreign nations, will realize with great admiration with what surprising speed and simplicity events of the greatest extent took place once they were recognized by the leaders as being essential and right; no consultations and debates lasting for months, no energy-consuming struggles with the opposition. The Reich Minister for Economics invited all authoritative leaders of the lignite industry to a meeting in the fall of 1934. Details of the subject to be discussed were not known; but already after 40 minutes every participant knew it, and after another 10 minutes the decision had been made: the entire German lignite industry will begin immediately with the construction of motor fuel plants, which must have the capacity of producing at least half a million tons of motor fuel annually. A few modest objections here and there suffocated in the realization of the overwhelming facts: complete application of all possibilities offered by the wealth of coal in German soil, for the

achievement of self-sufficiency in motor fuels! That was the hour of birth of the Brown Coal Benzin (Lignite-Gasoline) A.G. which immediately began construction of three motor fuel plants."

At page 150 of the document book on the top of the page which is probably 162 in the German:

"Parallel to the foundation of the Brabag ran the I.G. Farben industry's initiative which further extended the Leuna-Werk, where gasoline was manufactured from coal for years".

A little further down on the second paragraph at the end:

"At the end of this first building-up period of the German fuel industry it must be noted with special recognition that the I.G. Farbenindustrie has a great share in the meritorious work of speeding up this construction program".

And at page 151 which is 165 in the German, the next to the last paragraph:

"Even in the present aims and backgrounds of the political events of the world the present processes of obtaining fuel from coal are destined to start a radical change which should contribute a great deal to the peace of the world. Up till now the guaranteed possession of oil fields was one of the main prerequisites for making a nation a great power. Therefore the acquisition of oil fields and making them secure and accessible was a factor of prime importance in world politics. Our processes put the possibilities of oil supply on a much broader basis than hitherto, which should to a certain extent, enable every nation to become independent in the supply of oil. These facts are already beginning to become noticeable even politically. Some day they will be recognized as another contribution of Germany to the assurance of world peace."

We offer next as Prosecution Exhibit 541, NI-8314. We will omit NI-7373. It was there to identify the author Koppenberg. Prosecution

Exhibit NI-8134 is an affidavit by Dr. Struss relating to I.G. Farben's production of synthetic gasoline and lubricating oil. We ask your Honors to please turn to page 155 which is page 169-A of the German book at the middle of the page. Struss states:

"Altogether I.G. and the firms working under I.G. licences produced about 90% of the total German synthetic gasoline."

Under page 166, 169-A, German Book, - at the top of the page, Dr. Struss speaking:

"Farben supplied all the synthetic lubricating oil manufactured in Germany. Synthetic lubricating oil was produced in the I.G. plants: Schkopau, Leuna, Moosbierbaum and Heydebreck.

"Without I.G. Farben's contributions in the synthetic gasoline and lubricating oil field it would have been impossible for Germany to motorize the Wehrmacht and to go to war."

"We offer next as Prosecution Exhibit 542 NI-8318, an affidavit of Dr. Struss' about I.G.'s indispensability in producing gasoline for preparing to wage war. It is self-explanatory.

We offer as Prosecution Exhibit 543, EC-186. It's a document dated June 1942, a memorandum from Keitel, Chief of the Supreme Command. It's to the effect that all foreigners and prisoners of war are prohibited in mineral oil plants, Buna plants and light metal plants and we offer that document in evidence for the purpose of showing from the military point of view the strategic position of these facilities.

Especially in the light your Honors will later see where slave laborers and foreigners were employed everywhere, these type of plants were excluded.

We offer in evidence NI-10507 as Prosecution Exhibit 544;

It is a confidential report of the United States, in March, 1945, re: The Petroleum Facilities of Germany. It was prepared by the Enemy Oil Committee for The Quartermaster General of the United States Army. We offer this document in evidence which gives the story of the entire picture as the U.S. Intelligence saw that, after having made surveys and received reports on what the physical situation with respect to oil and gasoline was in Germany.

As I indicated in my opening remarks before proceeding on the proof on I-D, that, as we discussed plant facilities and capital expansions, we necessarily cut across the subject matter embraced in the treatment of production of gasoline, Buna rubber, etc., but, for purposes of orderly presentation, this is what we conclude our proof on with respect to I.G. Farben's part in the production of synthetic gasoline, and synthetic mineral oil.

Now, we're prepared, if Your Honors are disposed, to proceed with the proof on synthetic rubber, unless you are otherwise inclined.

THE PRESIDENT: We should like to suspend the receiving of documents long enough for you to outline your program for tomorrow, but it's yet twenty minutes. If you have no objection, perhaps you can start and get a few documents in on the next book, but suspend five minutes or so before to suggest to counsel for the defense your program for the next session.

MR. ANCHAN: I think it will be most appropriate to indicate what our program is, and Mr. Sprecher is in a position to do so.

THE PRESIDENT: Pardon me, gentlemen of the prosecution, perhaps you might utilize the balance of the day on doing two things. In outlining or suggesting the scope of your next book, the documents that you intend to offer, and then advising the Tribunal and counsel for the defense what books will be used and what your program will be. I think if we can accomplish those two things, we can eliminate going into introduction of documents at this late hour.

MR. ANCHAN: Books 28 and 29 will deal with synthetic rubber. Book 30 will deal with light metals.

I understand that it is proposed to call a witness tomorrow morning, and it is our intention to come again to the introduction of documents after we're through with the witness, and my understanding is that the witness will only take about half a day. That's the information I have, and I would say that those three books would be sufficient to carry us over. In the event they're not, we are prepared to proceed with the proof on explosives which I think is Document Book 33 and 34, my understanding being that it has been delivered to the defense.

THE PRESIDENT: Then, the books that we may need tomorrow may be 28, 29 and 30, and if we exhaust them, the next will be 33 and 34.

MR. ANCHAN: That is correct.

THE PRESIDENT: But you will, in the morning, use the witness first.

MR. ANCHAN: That's my understanding.

THE PRESIDENT: Well, in view of the fact that you are now going into a different field, I hardly think it appropriate to ask you to start on the introduction of documents at this late hour and, unless there are any other observations with reference to your program tomorrow that you wish to make at this time, we will recess for today.

You may ascertain from your co-counsel whether there is anything else.

MR. SPECHER: May we have just a moment. We may want to make a further announcement.

Your Honors, Dr. Charnatz points out to me that, during the interrogation of the witness General von Hannecken tomorrow, there will, of course, be reference to some of the documents which, from time to time, have gone into evidence here. We will try to have in court the original German copies, and, they are generally, to be found, for the most part, in the English document books 20 and 21. I just thought I might mention that. I don't think there's a great deal that can be done toward having a witness being presented with a gold ribbon, in a

particular way, but I thought I'd mention it.

THE PRESIDENT: Do you anticipate any use, in the court room, tomorrow of these two books containing basic information?

MR. SPRECHER: No, Your Honors.

THE PRESIDENT: Very well.

Is there anything further to be added now, that you think about?

MR. SPRECHER: Nothing, Your Honor.

THE PRESIDENT: The Tribunal will now rise until 9:30 tomorrow morning.

(A recess was taken until 0930 hours, 19 September 1947.)

1947

MILITARY TRIBUNALSNuernberg, Germany

UNITED STATES OF AMERICA

Against

KRAUCH and Others (Case VI)FIRST JOINT MOTION OF THE PROSECUTION
AND DEFENSE TO CORRECT THE ENGLISH TRANSCRIPT

The Prosecution and Defense herewith join in moving:

(a) that all the corrections in the "Second Motion of the Prosecution to Correct the English Transcript", dated 13 February 1948, be made in the official mimeographed copies of the English transcript, except items 566, 575, 838, 853, 854, 871, 895, and 971; (b) that the Tribunal order forthwith that the corrections indicated below be made in the official mimeographed copies of the English transcript:

Item No.	Transcript page	Line (s)	PROPOSED CORRECTION
1.	1016	8	Change first word "stell" to "steel". Change "these was responsibility for extending for the mines" to read "and for extending the mines".
2.	1017	24-25	Delete all of line 24 and first two words of line 25. Replace with "actually those plants active in the industry concerned".
3.	1224	16-17	Add "is to" after "know" at end of line 16. Change first word in line 17 "represents" to "represent".
4.	1235	10	Change "by was of the DAG Troisdorf", to read "through the DAG Troisdorf,".



Item No.	Transcript page	Line(s)	Proposed CORRECTION
5.	1235	12	Change "at the right charts" to read "in the middle of the charts".
6.	1242	14	Change "NI-772" to "NI-7772".
7.	1242	16	"1927-1937" should be "1934".
8.	1267	3-4	Change "are classified as counsel for the Prosecution? or the Defense." to read "are to be classified in the sense of the counsel for the Prosecution or of the Defense."
9.	1320	7	Change first word "filing" to "filling" and "KBI," to "K Bi,".
10.	1343	21	"to fund" should be "to find".
11.	1344	15-16	Delete as repetition from "I have to" in line 15 to "his testimony". in line 16.
12.	1344	26	"the witness" should be "where the witness".
13	1345	16	the fuel Commission" should be "this Commission".
14	1349	2	"menthol" should be "methanol".
15	1349	13	"require" should be "requires".
16	1349	19-20	"product." should be "products."
17	1357	2	"4713" should be "Exhibit 546, NI-4713,".
18	1360	10	"1837" should be "1937".
19	1362	31	Change "process, was licensed" to read "process and was licensed".
20	1362	32	Place comma after "Germany",.
21	1365	8	"of production" should be "since production".
22	1366	1	"quality" should be "quantity".
23	1370	8	First word "dilute" should be "diluted".
24	1370	10	"but finds" should be "and finds".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
25	1370	13	"extenters" should be "extenders".
26	1371	15	"dilute" should be "diluted".
27	1372	2-3	"consumption, ammonia" should be "consumption of ammonia".
28	1375	27	"lead aside" should be "lead azide".
29	1378	29	Delete "of" after first word "production".
30	1380	1	Delete heading, "EXPLOSIVES"
31	1380	2	Delete "IV. Stabilizers."
32	1381	10	"January 1939," should be "January 1937,".
33	1382	11	Delete heading "POISON GAS".
34	1383	24	"mentioned Omega" should be "mentioned that Omega".
35	1387	1	"NI-5681". should be "NI-5681, Exhibit 351."
36	1388	1	"utilizing" should be "neutralizing".
37	1388	2	"after a mustard gas". should be "of mustard gas."
38	1389	1	Place "A.-" at beginning of line and begin answer with "Oil".
39	1389	10	"NI-4498" should be "NI-4489".
40	1389	11	"Exhibit 116." should be "Exhibit 117."
41	1390	29	Last two words "is a" should be concerns a".
42	1392	18	Insert "Exhibit 634," after "NI-7431,".
43	1393	17	Last word "as" should be "at".
44	1394	7	Insert "Exhibit 640," after "NI-7425,".
45	1394	25	Insert "Exhibit 646," after "NI-4994,".
46	1399	3	"it permission" should be "if permis- sion".
47	1400	6	"Norwar" should be "Norway".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
48	1401	20	Delete as repetition last two words "with oxygen".
49	1403	22	First word "his" should be "this".
50	1407	11	Insert "be" after second word "gasolines".
51	1409	17	"it is not" should be "is it not," with comma at end of line.
52	1409	19	"a great number" should be "a great amount".
53	1409	24	"it is noto" should be "is it not,".
54	1411	7	"true up to about" should be "true that up to about".
55	1412	10	"for improve" should be "to improve".
56	1412	12	"addition" should be "additional".
57	1413	11	"from methanol" should be "that from methanol".
58	1415	19	"till find" should be "will find".
59	1415	31	"in general" should be "that in general".
60	1419	19	"practical" should be "practically".
61	1420	1	Delete entire line as repetition.
62	1421	8	Delete quotation marks before "From".
63	1425	7	"Keitch Watt" should be "Keith Watt".
64	1427	20	Insert "it" after "clarification".
65	1427	24	"here as an" should be "here is an".
66	1429	10	Delete entire line.
67	1429	12	Insert "and the" before "establishment".
68	1429	13	Change comma to period after "mercaptans".
69	1430	18	"Exhibit 272," should be "In Exhibit 272,"
70	1430	25	"N80" should be "N20".
71	1430	26	Delete "and" before "in American processes".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
72	1431	3/7	Place period after "chemistry" in line 3. Change from last word "the" in line 3 through all of line 6 and first word of line 7 to read: "The wetting agent tutogen, mentioned in that letter as necal, is known to you, and igepon is known to you, and also cragepon is known to you, cragepon which is called an intermediate for poison gas."
73	1431	15	"phasgner" should be "phosgene".
74	1431	20	"Keil Watt" should be "Keith Watt".
75	1436	3	"freezed" should be "freezes".
76	1437	23	Place semi colon after "other".
77	1440	25	Last two words "and products" should be "and these products".
78	1443	1	"etah-diaminodinitrate" should be "ethan-diaminodinitrate".
79	1444	9	Place quotation marks after "diamine" before the question mark.
80	1444	31	Insert the following after the first two words "not only": "concerning the extent of his knowledge of the subject but also".
81	1447	29	Change last word "of" to "in".
82	1447	30	Change "America, the inventor Bakele" to read "America of the inventor Bakeland," with comma after "Bakeland".
83	1447	31	Change "London-dynamite" to read "London, of dynamite". Change "of it as a molding article," to read, "of the thousands of molding articles,".
84	1447	32	Place comma after "glues,".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
85	1449	6/7	Change "that this is a historical fact, there was" to read "that with this historical fact of". Delete question mark at end of line 7 and replace with comma and dash.
86	1449	8	Delete entire line.
87	1449	9	Change "Q. Excuse me, I think it was too long?" to read "--Excuse me I am talking too long.--" (This is continuation of question in lines 6 and 7).
88	1454	11	"that is is of" should be "that it is of".
89	1458	19	"investion" should be "investigation".
90	1459	1	"manufacturers" should be "manufacture
91	1459	4	Place question mark after "1936". Begin new sentence with "Do you". Delete "that" before "yesterday".
92	1459	22	"during the cars" should be "during the years."
93	1459	23	Place comma after "progress".
94	1461	9	Delete "about".
95	1461	16	"as of butylene" should be "as regards butylene".
96	1461	17	Place comma after "and so on".
97	1465	20/21	Change "about the thesis of chloro- phyll" to read "with a thesis on chlorophyll."
98	1467	13	"devoted" should be "dedicated".
99	1469	30	"IC-281" should be "EC-281".
100	1470	5	Replace period after "plants" with dash (interruption).
101	1471	4	"positions" should be "places".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
102	1483	19/20	Change "you state that investment figures all those you ascribed to Farben items" to read "you ascribed to Farben the investment figures of all those Participations".
103	1485	19	"Th is" should be "This is".
106	1487	19	Insert "which" before "adds up".
107	1488	21	Change first word "Third" to "3)".
108	1490	2	Last word "Hauels" should be "Huels".
109	1491	10	"MR. DUBOIS:" should be "MR. AICHAN:"
110	1492	1	May I explain, the," should be "May I explain, then,".
111	1492	4	Place period after "Farben".
112	1493	19	End paragraph with first two words "and 3d." Then begin new paragraph as reply of witness, as follows: "A. Yes. a 30 to 40 million marks ---"etc.
113	1493	27	"The total investment" should be "The total planned investment". Delete last two words in line "for the".
114	1493	28	Delete first word "latter". Next word "amounts" should be "amounted".
115	1494	15	Add the following after "save time,": "I do not discuss all the figures which I might want to criticize."
116	1494	16/17	Lines 16 and 17 should contain only the following: "A. But I would like to ask....."
117	1497	1	Change "seven categories, including alumina." to read "carbide mines, including indeed also alumina."

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
118	1497	2/3	Change "Fischer Plant, Hanau, Hoechst - obviously G. Hoechst, I assumed - expansion." to read "Fischer Plant; Hanau, tar Hydrogenation Plant; Hoechst - obviously an I.G. expansion."
119	1497	23	"you global" should be "your global".
120	1497	28	"619" should be "6.19".
121	1498	4	"1859" should be "0.859". "25.35" should be "20.35".
122	1498	29	"which you quite" should read "which, as you quite".
123	1498	30	Place comma after "examples,".
124	1500	17	Delete "they" after mobilization".
125	1501	5	Delete "and" after "Ungewitter" and change last word in line "they" to "which".
126	1501	9/10	Change "so-called industry concerns, R and KL, a designation meaning vital." to read as follows: "so-called armament concerns, R (Ruestungs-betriebe), and KL (Kriegs-und lebenswichtig) concerns, a designation meaning vital for the war and life."
127	1502	29	Change line from "Is that the Military Agency?" to read "No Military Agency?"
128	1502	32	Insert "and" after "yes,".
129	1503	4	"Schloidoalstadt" should be "Schoide-Anstalt".
130	1503	6	Delete one "further" as repetition.
131	1503	17	"Congress of 1.6" should be "Meeting of I.G.,".
132	1503	18	Delete first two words "by I.G."
133	1503	19	"from this" should be "from memory".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
134	1503	20	"10 0 million" should be "100 million".
135	1503	26/27	Change "this in detail on the law, " to read "the capital structure of I.G.,
136	1504	15	Change the last three words "on the direct" to read "not cross".
137	1504	18	Change "and not on interrogating matters" to read " and counsel is not interrogating on matters".
138	1504	19	Change first word "for" to "in".
139	1505	1	Insert "mentioned in your affidavit", after "Reich Marks". "split up jointly" should be "analyzed together."
140	1505	2	"some" should be "the".
141	1505	4	Change "want also to split up these shares" to read "want to say that this includes reserve shares,".
142	1505	7/9	Change lines 7,8 and 9 to read as follows: "I agree with you that this is so. Then in order to compare the ratios, one would have to take the figure of the other firms of 75 million and not put down for Farben 1.1 billion marks but 800 million Reich Marks? That is, if our previous analysis is correct."
143	1505	14	"Wintersall" should be "Wintershall".
144	1505	16	Change "here it talks about stock capital," to read "here stock capital is mentioned,".
145	1505	17	"as Wintersall" should be "as Winter- shall is concerned,".
146	1505	19	"That to the question" should be " in regard to the question".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
147	1505	22/23	Change "is about the nitrogen and Farbon which are significant." to read "is that the nitrogen and dyestuffs questions are synonymous."
148	1505	29/30	Change ontire lines 29 and 30 to read "were to take the witness stand later then it would be very proper, and may well prove to be a very relevant thing for the defense counsel to arrange, but that".
149	1506	2	"are to stato" should be "is to stato."
150	1507	5	"quote" should be "quota".
151	1508	5	"First," should be "Second,".
152	1508	6	"second" should be "third". "third" should be "fourth". Last word "groups" should be "group".
153	1508	7/8	Delete as repotition "fourth, the smaller works from the East ..."
154	1510	23	"which is" should be "which was".
155	1510	32	"Fiag," should be "Viag,".
156	1511	1	"Fiag" should be "Viag".
157	1511	21/22	Change "GHBH - The Casting Company, some light metal works, the Pulverfabickon Company; finally a Light Metal G.EBH," to read "GmbH; Metallguss GmbH, Leipzig; the Westfaelische Leichtmetallwerke; the Pyrophor Gesellschaft; the Pulverfabricken Company; finally, a Leichtmetall GmbH,".
158	1512	6	"Metal Work" should be "Metallwerke".
159	1512	19	"NI-10013," should be "NI-10035,".
160	1512	22	Delete comma after "per cent".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
161	1512	29/30	Change comma to period after "ones" in line 29. Delete "the chemical factory of Holten, but",
162	1513	16	Delete "that in your test,".
163	1514	15	"produce" should be "product".
164	1514	16	Change "saw, made an assignment here that led" to read "saw an assignment here, it led".
165	1517	2	"Gelshofen" should be "Gelsenberg".
166	1517	6	"Rheinbraun" should be "Rheinische Braunkohle".
167	1519	6	"with that I mentioned" should be "which I mentioned".
168	1519	7	Delete second "also" as repetition.
169	1519	23	"1300%" should be "thirteenfold".
170	1519	31	"now that the condition that" should be "now the condition that".
171	1521	7	"opening" should be "opinion".
172	1523	16	"given" should be "restored".
173	1524	8/9	Change from "in the sale in some" in line 8 through line 9 to read "in the sale of Chile saltpetre in some other important countries as compared to the sale in Germany."
174	1524	27	Change "import anything from Poland?" to read "export any to Poland?"
175	1525	10	"import anything" should be "export any".
176	1526	18	"territories was" should be "terri- tories for Chile was".
177	1526	19	Delete last two words "in Chile".
178	1529	10	"NI-7745" should be "NI-7743".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
179	1532	4	"not distinction" should be "no distinction".
180	1532	22	Delete IR. ALCHAN: (This is a continuation of question in preceding line).
181	1532	23/24	Insert the following line between lines 23 and 24: "IR. ALCHAN: I would like to say that this question is out of place."
182	1532	25	"referred it." should be "referred to."
183	1533	20	"I have" should be "I had".
184	1534	26	"give" should be "gave".
185	1536	27	"on spare" should be "one spare".
186	1537	1	First word "better" should be "Farben".
187	1537	4	Change "of all reports to" to read "in all plants of". Change comma to period after Farben.
188	1539	1	"Yes, I do." should be "Yes, I am."
189	1539	32	"von Hoyde" should be "von Heider".
190	1541	4	Third word "agree" should be "agreed".
191	1541	6	Delete "their" before "examination".
192	1541	8	Delete last word "that".
193	1541	16	Delete "have" before "established".
194	1542	30/31	Change "and I could reconstruct it now after all publications, - were" to read "about which I have learned since through publications - and were".
195	1543	11	Change "the following of people on the strength" to read "the tendency of people who on the strength".
196	1544	3	Delete "of" before "an aggressive war".
197	1544	4/5	Delete period after "countries". Change "It did not justify precise plans which may have been made," to read "or that precise plans had been made,".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
198	1544	6	"under circumstances" should be "under certain circumstances".
199	1545	6	"motorized" should be "militarized".
200	1545	25	"on the basis" should be "against the basis".
201	1547	21	Add "and" after "time" at end of line.
202	1547	28	"admissible" should be "inadmissible".
203	1551	2	Change first word "war" to "was".
204	1552	16	Change "matter is a matter" to read "matter that this is a matter".
205	1552	18/19	Change "in its multiplicity that a more yes or no answer by witness Schmidt is to a speech rather than to an in- dividual question" to read "I hold that if the witness is to answer with a more yes or no answer, this won't do because the question in its multiplicity is more a speech than an individual question".
206	1552	25	First word "a" should be "the".
207	1552	32	"and ask whether" should be "and asked whether".
208	1553	14/19	"casus solli" should be "casus belli".
209	1553	30	"Aunchluss" should be "Anschluss".
210	1554	4	First word "what" should be "which". Change "thought were" to "thought they were".
211	1554	6	Delete "was" before "unjust".
212	1554	8	Delete last two words "to that".
213	1556	22	"have ruled" should be "have been ruled".
214	1557	8	Place comma after "nations,".
215	1557	10	"That is perfectly" should be "It is perfectly".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
216	1557	14	"That would hardly" should be "It would hardly".
217	1557	24	Delete last word "a2.
218	1558	14	Insert word "that" after "1933".
219	1559	2	"uri et orbi" should be "urbi et orbi".
220	1560	3	"liege" should be "contact".
221	1562	32	"that they were renegades" should be "when they were renegades,".
222	1563	3	"peoplo for" should be "people if for".
223	1563	4	"multiplex" should be "multiplicitous".
224	1567	30	Add word "to" at end of line.
225	1567	31	Place comma after "Austrians."
226	1568	31	Place quotation marks before last word "the".
227	1569	4	Place quotation marks after "Lebensraum".
228	1569	6	Place quotation marks before "the justification".
229	1569	8	Place quotation marks after "leadership".
230	1570	5	Place quotation marks before "The soldierly".
231	1570	6	Place quotation marks after "Nazis".
232	1572	13	"defensive" should be "aggressive".
233	1572	24	Change "rather not believe his own government would believe" to read "would not believe his own government and would believe".
234	1573	2	Delete "outside forces for the use of".
235	1573	3	Insert "from outside forces," after "impressions".
236	1573	12/16	Delete lines 12, 13, 14, 15, 16 and replace with the following:

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
237	1573	12/16 (cont'd)	I believe I have added in my affidavit also the expression "in ever increasing degree" especially for this reason. In ever increasing degree, he had to doubt and in ever decreasing degree he could not believe what was said to him, and this came automatically without any effort on his part, without his occupying himself with these things with any intention or loss of time.
238	1573	19	Delete first word "that".
239	1576	5	Delete last three words "judge that he".
240	1576	22	Place comma after "apart from that".
241	1577	3	"iota" should be "iota".
242	1577	8	"sterring" should be "steering".
243	1577	10	Delete "Q" at beginning of line (continuation of answer).
244	1577	12	Place "Q" before "May I put" and begin new paragraph.
245	1577	13	"observance" should be "observer".
246	1577	29	Delete second word "not".
247	1578	13	"afoated" should be "created".
248	1586	7	"Franck" should be "Frank".
249	1586	14	"refores" should be "refers".
250	1587	8	"on the facts" should be "on the fact".
251	1587	24	"that time was" should be "that time that was". Place comma after "majority".
252	1587	31	"well know," should be "well known,".
253	1586	14	"as contrary evidence. As is stated" should be "as contrary to such evidence as is stated".
254	1588	16	Last word "ask" should be "assume".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
255	1589	5	Insert "with a simple yes." after "answer".
256	1589	7	"was your favority rag" should be "was your favorite paper".
257	1591	16	"and in the very last" should be "even in the very last".
258	1591	30	Place quotation marks after "again".
259	1592	12	Second word "to" should be "from".
260	1592	25	Change "the intention of talking" to read "that I have talked".
261	1593	4	"for non-expert" should be "for a non-expert".
262	1593	7	"of certain arms" should be "of certain aims".
263	1594	6	"the lationship of of these" should be "the relationship of these".
264	1594	15	"raiso" should be "rise".
265	1594	25/27	Replaces lines 25 through 27 with the following: A. Yes. Q. I quote: "although Doenitz had built up and trained the U-boat Navy, the evidence does not show that he had knowledge of the conspiracy for waging of aggressive wars or that he prepared and began such wars. He was a career officer who carried out purely military tasks. He was not present in important discussions in which plans for aggressive wars were made known, and there is no evidence that he know about the decisions which were agreed upon." And so I would like to ask you now whether it is known to you that the ordinary German

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
266	1594	25/27(cont'd)	or any of these defendants, know more about the German aggressive war intentions, about Hitler's aggressive war intentions, than Schacht and Doenitz?
267	1594	30	"It qas" should be "It was".
268	1596	2	Delete "before you". Last two words "how we" should be "why we".
269	1597	1	"has averted" should be "has been averted".
270	1597	5	"that they must know" should be "to know".
271	1598	4	First word "forces" should be "force".
272	1603	2	"head of the" should be "head of a".
273	1603	10	"from the then" should be "from then"
274	1603	10	Last date "1934" should be "1943".
275	1606	7	Change "mostly he who was not" to read "who mostly was not".
276	1607	19	Change first word "Pleiger" to "Klaiber".
277	1608	12	"intermediate" should be "inter- mediates".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
278	1611	12	"Prosecution" should be "production".
279	1611	15	Delete "on" before last word "yesterday".
280	1612	8	Last word "attornies" should be "attorneys".
281	1612	27	"though" should be "thought".
282	1612	30	"contain" should be "contrary"
283	1613	17	"which we here" should be "which we are here."
284	1613	32	Second word "possible" should be "possibly".
285	1614	4	Place comma after "fact" and before "if".
286	1614	16	"who was associated" should be "whom he was associated".
287	1615	2	Place period in place of comma after "book". Delete last two words "for instance" as repetition.
288	1617	19	"to oberse" should be "to observe".
289	1618	4 - 5	"by cross examination" should be "by not cross examining".
290	1619	10	"Document Book 56" should be "Document Book, page 56,".
291	1619	12	Place comma after "government".
292	1619	21-22	"to anticipated" should be "to be anticipated."
293	1620	15	"it war necessary" should be "it was necessary."
294	1620	32	"peior to 1939" should be "prior to 1939".
295	1623	14-15	Delete as repetition "then this probative value for the prosecution,".
296	1623	28	"to either" should be "to any".
297	1624	3	"to either" should be "to any".
298	1624	31	"is only" should be "is the only".
299	1625	28	"to all affidavits." should be "to all those affidavits."
300	1627	7	"I believe to remember" should be "I believe I remember".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
301	1628	1	"Dyerhenfurt" should be "Dierferriit GmbH".
302	1628	5	"phosphor" should be "phosphorus".
303	1628	28	"both to time." should be "also to time."
304	1630	16	Change "product to such as hydrochloria" to read "product such as hydrochloric".
305	1632	11	"sales combine" should be "sales department".
306	1633	16	Delete "already" after "practically".
307	1634	21	"Haberlandt" should be "Borgwardt".
308	1634	22	"in detain" should be "in detail".
309	1635	2	"No. 9126" should be "NI-9126"
310	1635	14	"1st" should be "list"
311	1635	15	Place comma instead of period after "Dubuss".
312	1635	16	Change "and I don't know whether he was asked about that," to read "but I don't know,".
313	1635	31	Change entire line to "counter-intelligence office (Abwehrbeauftragter)".
314	1636	1	Delete line 1 as repetition.
315	1636	7	"after the war," should be "after the war broke out,".
316	1636	15, 17, 28.	"netal company" should be "Metallgesellschaft" name (proper/ of a firm and should not be translated).
317	1636	16	Change "who transferred this sales manager to us". to read "who appointed its sales manager."
318	1637	8	"Mr. Meyer and Kistor." should be "Mr. Meyer- Kuester."
319	1639	3	"to order" should be "in order".
320	1639	14	"chemical" should be "chemicals".
321	1639	22	The quotation marks before "as" should be after "principle,".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
322	1639	25	Delete "the methods which".
323	1640	22	Delete "Q." at beginning of line (Continuation of answer).
324	1640	25	Change question mark to period at end of paragraph after "body".
325	1640	26	Line 26 should be changed to read as follows: "Q. Then, when immediate decisions were necessary? A. yes."
326	1642	14	"Nica-nitrogen" should be "Mica Nitrogen"
327	1644	2	"nicanitrogen" should be "mica nitrogen".
328	1644	25	"It is quite" should be "it was quite".
329	1645	4	"and Leverkusen" should be "at Leverkusen".
330	1645	11	Delete "the" before "resolutions". Last two words "if the" should be "of the".
331	1647	30	Add "Document NI-9126" at end of sentence.
332	1648	1	"Plenipotentiary for matters of counter- intelligence" should be "counter-intelligence officer".
333	1644	12-13	Place comma after "Chemicals". Delete parentheses around "the Sales Combine Dyestuffs," placing comma after "Dyestuffs".
334	1649	23	Change semicolon after "again" to comma.
335	1650	5	Delete comma after "meant".
336	1650	18	"the with that" should be "the wish that".
337	1652	7	"but that to was left " should be "but it was left".
338	1652	12	Change last word-"combine" to "department".
339	1652	13	"B upon " should be "it was done on".
340	1652	14	Place quotation marks after "world".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
341	1652	15	Delete quotation marks after "enemy".
342	1652	17	"It should not be" should be "it should not read"
343	1652	28	Delete comma after "cases". "average" should be "individual".
344	1656	9	Delete word "no" before "agreement".
345	1657	6	Delete the words "further cross".
346	1657	15	Change "Count II. He will be involved considerably and we" to read "Count II where he will be involved considerably. And we".
347	1660	3	"MRS. MAYER" should be "MISS MAYER".
348	1660	6	"The first book" should be "The next book".
349	1660	20	"real was was" should be "real war was".
350	1660	26	"certainly" should be "certainty".
351	1661	3	"lesses" should be "losses".
352	1662	14	"accompanied" should be "accomplished".
353	1662	23	"and Western" should be "of Western".
354	1664	11	Add "and" after last word in line "return".
355	1665	6	"Ivy Less" should be "Ivy Lee".
356	1665	16	"XVIII" should be "XVII".
357	1665	26	Place comma after "gave".
358	1667	5	"921" should be "NI-10921".
359	1667	8	Change "Burnham Carter. Carter before "to read "Burnham Carter before".
360	1668	2	"Schmidt" should be "Schmitz".
361	1668	22	"significate" should be "significant".
362	1669	5	Last word "come" should be "came".
363	1669	17	Place quotation marks before last word "Germany".
364	1669	22	Place quotation marks at end of paragraph.
365	1669	23	"ture" should be "true".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
366	1670	6	Place quotation marks at beginning of line.
367	1670	13	Place quotation marks at end of paragraph.
368	1670	17	Place comma after "recommendation".
369	1671	22-30	Place quotation marks at beginning and end of this paragraph.
370	1673	6	"who is" should be "who was".
371	1673	7	"abroad who" should be "abroad and who".
372	1674	3	"of the meeting" should be "of a meeting".
373	1674	13	"of the meeting" should be "of a meeting".
374	1675	24	Delete line 24 and everything that follows on this page.
375	1676	1-11	Delete all these lines to paragraph beginning "Apart from".
376	1676	12-16	Place quotation marks around this paragraph.
377	1676	17-20	Delete this entire paragraph beginning with "The News Agency".
378	1676	21	Place "In the last paragraph of the document, Gattineau says:" as a separate paragraph before paragraph beginning "the Press Attache"
379	1676	21-24	Place quotation marks around paragraph beginning "The Press Attache".
380	1676	25-26	Delete "POLITICAL ECONOMY DEPARTMENT (Signature): MUTTMANN (?) and place the following as a complete paragraph in its place: "The question of the contri- bution was referred to the Central Committee."
381	1679	10	Change comma after "The Tribunal has" to period.
382	1680	9	"fell" should be "feel", "calling attention to" should be "calling the attention of".
383	1680	21	"taken not" should be "taken note".
384	1681	7	"page number " should be "page numbers".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
385	1681	18	"MISS" should be "MISS MAYER".
386	1685	2	Place period after "doubt". Begin new sentence with "Gentlemen".
387	1686	26	First word "The" should be "This".
388	1687	20	Change semi-colon after "1945" to period.
389	1687	29	"Turing" should be "Turning".
390	1687	30	Change comma after "page 4" to period.
391	1687	32-33	Change "English book, 44," to read "English Book 44,".
392	1688	1	"W mbassy" should be "Embassy".
393	1688	2	"Goreign" should be "Foreign".
394	1689	20	"The min to" should be "The memorandum".
395	1691	10	"place" should be "placed".
396	1691	16	"anit-US" should be "anti-US".
397	1692	8	"poses" should be "pesos".
398	1692	21	Last word "was " should be "were".
399	1693	13	"editors" should be "editor".
400	1693	23	"June 1928 and 1929" should be "June 28 and 29, 1940".
401	1693	27	"all defense" should be "all endeavors".
402	1693	28	"reproachment" should be "rapprochement".
403	1694	9-10	Change "Exhibit 280 of the German." to read "Exhibit 820, Document NI-1327, which appears on page 143 of the English and on page 207 of the German."
404	1694	10	"This is a meeting" should be "This is the minutes".
405	1694	16	"NI-977" should be "NI-9777".
406	1694	17	"Hansin" should be "Hausen".
407	1694	19	Last word "Hausen" should be "Bayer".
408	1695	10	Place "(for Dr. Kugler)" after "DR.HENZE".
409	1698	4	Delete the word "always".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
410	1698	8	"Affidants" should be "affiants".
411	1699	11	"available to you in" should be "available to you in the".
412	1699	12	Place period after first word "transcript".
413	1703	1	"Frank-Falla, Deik-Fischer" should be "Frank-Fahle, Deichfischer".
414	1703	19	"after that film" should be "after the film".
415	1706	14	"self of else" should be "self or else".
416	1709	16	Insert in quotation marks the phrase "preparation for war" after "numeral II:" Delete quotation marks before "I understand".
417	1709	20	Delete quotation marks after "complications" and also before "This".
418	1709	23	Delete quotation marks at end of paragraph.
419	1711	5	"ashort while" should be "a short while ago".
420	1711	6	Change "before you made" to "than".
421	1712	18	"on one of the Department in" should be "of one of the Departments in".
422	1712	21	Place semi-colon after "oils".
423	1712	22	Delete semi-colon after "1934".
424	1714	24	"carried for Farben" should be "carried on for Farben".
425	1716	15	"official requested, but they" should be "officially requested, but you".
426	1716	18	"a guaranty" should be "guarantee".
427	1717	17-18	Change "in the statement, that is to say," to read, "in your statement in which you say".
428	1717	18	Place quotation marks before "the artificial fiber industry."
429	1717	20	Place quotation marks after "synthetic rubber".
430	1717	21	Place quotation marks before "from the statements".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
431	1717	23	"armament industry" should be "iron producing industry". quotation
432	1717	24	Place/marks after "was read,"
433	1718	13	Add "What else?" after this sentence.
434	1718	17	Add the following after line 17, to complete page: "Q. How were caustic soda production and the sale of caustic soda products regulated in Germany? Do you know? A. I believe by a syndicate. Q. By a caustic soda syndicate? A. Yes. Q. Do you know I.G.'s share in this? A. No. Q. It was in fact 23 %. And what else belongs to the production of artificial fibers? A. In my opinion, these were the important items."
435	1720	22	"that any spot" should be "that in any spot."
436	1720	27	"in the tanks" should be "for the tanks".
437	1721	12	"as the tanks" should be "as for the tanks"
438	1721	26	"of the Farben" should be "of Farben".
439	1722	1	"licenses" should be "licensees".
440	1722	6	Change comma after "gasoline" to period. Begin new sentence with "one".
441	1722	18	"Zistersdorf" should be "Zisterndarf".
442	1723	3	Change "plants, Doeberitz, it is" to read "plants. There was Doeberitz. It is".
443	1723	4	Change first word "probable" to "possib
444	1723	15	Change "for knowing about it" to read "in order to know about it,"

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
445	1723	27	Change "Exhibits No. 1 translated" to read "Exhibit No. 1 be translated".
446	1724	3	Change "when this affidavit was brought up" to "for this affidavit brought up".
447	1724	4-5	Change "I know the procedure later on but" to read "I know the later procedure but".
448	1724	16	Delete entire line as repetition.
449	1727	5	Place comma after "Reich Agency".
450	1727	7	Delete commas around "additionally".
451	1727	29	Change first word "them," to "the time".
452	1728	32	Change "Farben who were in a position to use Dr. ter Meer's agency seemed to" to read "Farben used this position of Dr. ter Meer seemingly".
453	1729	1	Delete first three words "use their position"
454	1730	6	"Exhibit 544" should be "Exhibit 504".
455	1730	11	"arrived" should be "obtained".
456	1731	20	"could not be " should be "could only be".
457	1731	23-24	Change "placed this foreign currency at the disposal of the I.G.?" to read "granted this foreign currency license to the I.G.?"
458	1732	3	"has explained it intended" should be "had explained its intended".
459	1732	4	Change semi-colon after "submitted" to comma
460	1732	27	"at the time" should be "that at the time".
461	1733	1-4	Delete from "the reason" in line 1 through line 4 and replace with the following: "the real motivation for such a general directive arose when the majority of the central offices for regulating imports, were set in September 1934; the notification and inclusion of these offices followed but essentially later."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
462	1737	26	Delete "after".
463	1739	12	Place quotation marks and period after "Dr. Ungenistter said", Delete single quote before "Can I".
464	1739	13	Place quotation marks around "the possibly imminent war".
465	1739	14	Delete single and double quote at end of paragraph.
466	1739	16	"with the assumption" should be "with assumption".
467	1740	12	"either questions" should be "other question
468	1741	1	"After" should be "Before".
469	1742	21-22	Change "to the date which is known to me". to read "to a date which is not known to me"
470	1743	9	"session" should be "discussion".
471	1743	11-12	Change from "Immediately after" in line 11 through line 12 to read as follows: "Q. In September 1939, that means after the outbreak of the war? A. I think it was either August or Sept- ember 1939."
472	1743	14	"before 1939" should be "before September 1939".
473	1744	16	Change last word "and" to "which".
474	1745	18-19	Change "with Dr. Struss, Dr. Berndt and defense counsel Ter Meer is beginning to work him either" to read "with Dr. Struss. Dr. Berndt, defense counsel for the defendant ter Meer, will work with him either".
475	1747	14	Insert "its wishes" after "indicated".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
476	1751	13	Last word "subjectively" should be "subjectiv
477	1751	16	"is the interest" should be "is in the interest".
478	1752	22	First word "is" should be "us".
479	1752	29	First word "concerning" should be "concerns".
480	1753	1	Change "documents etc. It would" to read "documents, etc., it would".
481	1753	2	Change comma to period after "recess". Begin new sentence with "At this point,".
482	1753	16	"that is more" should be "that are more".
483	1753	23	Last word "no" should be "now".
484	1753	31	"German III" should be "German page 111".
485	1755	30	Change "economical, political department" to read "Political Economy Department (Wirtschaftspolitische Abteilung)".
486	1756	1	Change "Peoples Political Department" to read "Economic Research Department (Volkswirtschaftliche Abteilung)".
487	1756	26	Change "economical politic," to "political economy,".
488	1765	24	Delete first two words "which I".
489	1771	3, 13, 31 etc.	"Wipe" should be "WIPO".
490	1771	10	"Do you want to" should be "Do you want me to".
491	1771	26	"had idea" should be "had no idea".
492	1771	28	"the no one informed" should be "that no one is informed".
493	1771	30	"at 1938" should be "as 1938".
494	1773	4	"these existed" should be "there existed".
495	1774	18-19	Insert the following two lines between lines 18 and 19:

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
			"A. Yes.
			Q. Did Dr. Sievers also belong to this group?"
496	1782	4	"affidavit" should be "affidavits".
497	1786	10	Delete second word "a".
498	1787	11	Change entire paragraph to read as follows: "So that in the activity which you have now been carrying through, essentially a listing activity, that is, the figures that you found for I.G. Farben or for combined concerns you have listed according to the specifications of the Prosecution?"
499	1787	12	Place period after "correct." Begin new sentence with "From the work".
500	1788	5-6	Insert "A. Yes." Between lines 5 and 6.
501	1790	2	"Reichs" should be "Reich".
502	1790	6	Place semi-colon after "depreciation" at end of line.
503	1790	8	Insert "they" after "agencies" and before "were."
504	1790	10	Delete "these".
505	1790	20-21	Insert "A. Yes." between lines 20 and 21 Place "Q." before line 21.
506	1791	6	"the second one" should be "the first one".
507	1792	23	"NI-1005" should be "NI-10005".
508	1794	5	"guorun" should be "quorum"
509	1794	11	First word "may" should be "say".
510	1795	24	"firm's" should be "firms". "Lonalin" should be "Lonal".
511	1795	28	Add "produced" after "actually" at end of line.
512	1796	10	"There is" should be "There it". Change period to colon after "sentence".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
513	1799	11	"Godoff" should be "in Godoff".
514	1807	21	"even they" should be "even though they".
515	1809	7-8	Insert "A. No." between lines 7 and 8. Change "A." before line 8 to "Q".
516	1810	20	"Let me brief" should be "Let me be brief".
517	1814	8-9	"that patent" should be "these patents."
518	1818	7	"NI-8990" should be "NI-8980".
519	1820	14	"NI-8970" should be "NI-8979".
520	1822	3	"when" should be "whom".
521	1823	24	"quit correc6" should be "quite correct".
522	1823	30	"associated" should be "associates".
523	1824	14	Change comma to period after "Mann" Begin new sentence with "At page 8".
524	1824	15	Change period to comma after "text". Continue same sentence with "it is noted".
525	1824	26	"Case Bayer" should be "Casa Bayer".
526	1824	30	"as a next series" should be "as the next series".
527	1825	7	"NWF" should be "N/-7".
528	1828	30	"they themselves" should be "thanes".
529	1828	31	"appears" should be "appear".
530	1829	3	Delete quotation marks after "example:"
531	1829	4	Place "1)" between quotation marks and first word "To" at beginning of line.
532	1829	7	Delete quotation marks at end of line.
533	1829	15	"88" should be "87".
534	1830	1	Delete first two words "in the" as repetition
535	1834	14	"work" should be "word".
536	1836	13	Delete "Krueper" after "VONI".
537	1836	14	Place quotation marks around "he". Delete quotation marks before "referring"
538	1836	19	"purpose" should be "purposes".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
539	1840	10	Place quotation marks at beginning of line.
540	1840	17	Place quotation marks at beginning of line.
541	1840	23	Place quotation marks at end of paragraph.
542	1841	26	"36" should be "46".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
543	1845	4	"that he exercise" should be "that they exercise".
544	1845	19	Change comma to period after "three groups".
545	1845	20	"personal date" should be "personal data".
546	1845	24	Change "comprising the I.G. production, new plant," to read "concerning I.G. production, new plants,".
547	1853	3	"was asked" should be "were asked".
548	1855	22	"on the head" should be "of the head".
549	1865	28	Change "the autobahn; I" to read "the autobahn, the volkswagen plans; I"
550	1865	29	"which in propaganda" should be "which propaganda".
551	1866	10	"was only built" should be "were only built".
552	1866	14	"plant" should be "plants".
553	1868	12	"were expected" should be "was expected".
554	1868	26	"exatted" should be "exalted".
555	1869	3	"Dr. Krengler" should be "Dr. Krekeler".
556	1870	30	"391" should be "Exhibit 391".
557	1870	31	"NQ-9487" should be "NI-9487".
558	1871	25	"technical enterprises" should be "military enterprises".
559	1875	28	"Specifically, left" should be "Specifically, we left".
560	1876	27-28	Change "of Sparte I, representative" to read "of Sparte I, Dr. Ritter and later Dr. Diekmann, and the representative".
561	1877	26-27	Insert the following between lines 26 and 27: "Q. I have still another question. Concerning the construction of this plant, do you know when it was built?"
562	1878	2	Insert "to a Toluol plant" after "war" and before "upon".
563	1878	3	"who competent" should be "who was competent".
564	1880	22	"1033 and 1034" should be "10033 and 10034".
565	1880	24	"for the Austria" should be "for Aust

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
566	1882	4	Change "In what sense?" to read "A moral judgment in a bad sense?"
567	1882	12	Last word "plan?" should be "plant?"
568	1882	16	"Farben should be" should be "Farben was",
569	1885	26	"direction" should be "direct" Change last word "also" to "beyond".
570	1887	2	"ceutical" should be "pharmaceutical".
571	1887	4	"of his own" should be "of its own".
572	1888	23	"because" should be "when".
573	1888	26	Change "books; and why in" to read "books and also in".
574	1890	13	"task which the" should be "task of the".
575	1890	23- 24	Delete both lines.
576	1890	25	Change "Well; in other words", to read "So, no,".
577	1891	4	"historical" should be "commercial".
578	1895	2	Delete. Not in the German.
579	1895	3	Delete "Q." at beginning of line. This is a continuation of question begun in line 1.
580	1896	10	"of the head" should be "or the head".
581	1896	20	"production matters" should be "production and similar matters".
582	1896	23	"these matters" should be "this field".
583	1896	25- 26	"these things" should be "this field".
584	1896	28	"these matters" should be "this field".
585	1897	14- 15	Delete "as well as the technicians" as repetition.
586	1900	1 and 3	"manaenvre" should be "maneuver".
587	1900	12	"NI-8310" should be "NI-8319".
588	1900	26, 29, 32	"gypsium" should be "gypsum".
589	1900	33	Place dash after "installation" and before "I".
590	1901	12	First word "plants" should be "plant".
591	1901	15	Last two words "as it" should be "than it".
592	1901	26	"private from a economic" should be "from a private economy".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
593	1903	5	Change "released in the year of 1925" to read "ret ired in the year of 1945?" Insert after this answer "A. Yes." and change rest of line to new question "Q. Is it true?"
594	1903	6	Insert "alternately" after "represented".
595	1903	22	"virid" should be "vivid".
596	1903	25	"Hamburg" should be "Ambros".
597	1903	30	Delete "Dr." before "Would".
598	1903	2	Last two words "a member" should be "members".
599	1904	19	"1938" should be "1933".
600	1905	13	"Aluminum Werke GMBH" should be "Aluminiumwerk GmbH".
601	1905	14	"Property Community" should be "Works Combine".
602	1905	16	"Aluminum GMBH" should be "Aluminiumwerk GmbH".
603	1906	15	"Aluminum plant GMBH" should be "Aluminiumwerk GmbH".
604	1906	20	Place comma after "certainly".
605	1916	6	"about things" should be "about these things".
606	1918	20	Change question mark to period at end of this answer.
607	1919	13	Delete last word "the".
608	1920	14	Change the "inorganic plant Gendorf" to read: Gendorf an "inorganic plant".
609	1920	15	"Anorgoma" should be "Anorgona".
610	1920	16	"Hydernfurth" should be "Dyhernfurt".
611	1921	2	"occasion" should be "concession".
612	1923	7	"of the OKH" should be "by the OKH".
613	1924	6	"ca" should be "circa".
614	1925	27	Delete "not" after "even".
615	1927	9	"fater" should be "after".
616	1927	10-11	"metals plants?" should be "Metalsgesellschaft?"

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
617	1927	12	"metal works" should be "Metallgesellschaft".
618	1928	5	Insert "48" between "47" and "98". Change "103" to "102". Change "104" to "106".
619	1928	6	Change "641" to "541"
620	1929	19	"would remain you" should be "would remind you".
621	1930	10	"Mr. Prosecution" should be "Mr. Prosecutor".
622	1930	19	Insert "whether" after "yourselves".
623	1930	30	"at that the earliest" should be "that at the earliest".
624	1930	31	Change period to comma after "morning".
625	1934	14	"upon the" should be "upon by the".
626	1934	23	"I" should be "myself".
627	1935	4	"Farben committee" should be "Dyestuffs Committee".
628	1935	13	Change "I have correct" to read "I would make the correction, among other things,".
629	1936	21	Last word "background" should be "foreground".
630	1937	5	Insert "began" after second word "war".
631	1938	14 & 16 & 22	"Sales Committee" should be "Commercial Committee".
632	1940	13	"materials" should be "material".
633	1942	27	Last word "affidavit" should be "affidavits".
634	1946	17	Change "Including New Order (Neue Ordnung)" to read "Including New Order (Neue Ordnung) Questions." with quotation marks after "Questions".
635	1949	4	Delete quotation marks before "In many cases".
636	1949	9	Delete quotation marks after "economy".
637	1949	13	Place quotation marks after first word "agencies".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
638	1949	15	Change "which I have learned that after the collapse" to read "about which I learned after the collapse".
639	1949	28	Insert "since" between "export" and "after".
640	1950	2	First word "they" should be "who".
641	1951	18	First word "records" should be "words".
642	1952	15	Change: a contribution" "Extended to read: a contribution" - the German expression "Beitrag" - "extended
643	1952	18	First word "property" should be "properly".
644	1953	25	Last two words "is was" should be "it was".
645	1956	8	"desires" should be "desire".
646	1961	10	"as have" should be "as has".
647	1963	4	"hyanalogy" should be "analogy".
648	1964	23	"D.G." should be "I.G."
649	1966	2	Place comma after "commissions".
650	1967	9	"Mr. Waibel" should be "Mr. Waibel".
651	1969	9	"fractiion" should be "fraction".
652	1969	28 -29	What the I.G. such" should be "this since the I.G. was such".
653	1969	30	What was natural" should be "it was natural".
654	1970	4	"was administration" should be "war administration".
655	1970	27	Place "QV" at the beginning of line.
656	1970	28 -29	Place "A. yes" between lines 28 and 29.
657	1971	3	Place comma after first word "not".
658	1974	4	Last two words "the latter" should be "the affair".
659	1974	7	"had been waived" should be "has been waived".
660	1975	8	"know at" should be "know that

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
661	1975	15	"Gattineay" should be "Gattineau"s".
662	1977	3	"can lay" should be "cannot lay".
663	1977	8	Last word "was" should be "were".
664	1978	5	"I.G. to abroad" should be "I.G. abroad"
665	1978	9	"to do so such time" should be "to do so at such time".
666	1981	31	Delete "it" before last word "was".
667	1983	9	Insert "and the NSDAP" after "Hitler".
668	1983	10	Delete all but first word of line 10.
669	1983	11	"as the the word" should be "as to the word".
670	1985	6	Place period after "taken place". Begin new sentence with "It was".
671	1985	7	Add "was it?" after "committee".
672	1986	31	"Exhibit 59" should be "Exhibit 759".
673	1987	14	"experiments" should be "experience".
674	1987	28	Place period after "question".
675	1990	12	"That is what" should be "That is why".
676	1991	15	"counsel; that" should be "counsel who".
677	1992	14	Change "he may answer." to read "and to that he may answer."
678	1996	11	"our affidavit" should be "your affidavit"
679	1996	21	Place quotation marks after "in varied cases".
680	1996	31	Change comma after " Brinckmann " to period.
681	1997	17	Place period after "saw them." Begin new sentence with "They were,".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
682	1997	23	"movatorium" should be "moratorium".
683	1997	26	"were often" should be "was often".
684	1997	29	"these 'movatoriums'" should be "this 'moratorium'".
685	1998	24	"as attempt" should be "an attempt".
686	1998	29	Add "A. yes," at end of page as line 30.
687	1999	12	First word "chart" should be "nerve".
688	1999	22	Change "They refer to how they were passed to the Reichsbank." to read "It refers to the deliveries to the Reichsbank."
689	2000	19	Place "Q." at beginning of paragraph.
690	2000	25-26	Place "A. yes," between lines 25 and 26.
691	2001	1	"at before 1933" should be "that before 1933".
692	2002	3	"is the relation" should be "was the relation".
693	2002	9	Change period after "No. 2" to comma and continue sentence with "it's beyond".
694	2003	25	"appreciate." should be "appreciated."
695	2007	13	"witness" should be "witnesses".
696	2007	18	"in raised" should be "is raised".
697	2007	27	First word "on" should be "or".
698	2008	9	"witness," should be "witnesses,".
699	2015	7	"drafter" should be "drafted".
700	2015	24	Delete comma after "trade" at end of line.
701	2015	33	"I think now," should be "I think not,".
702	2016	4	Change "to be carried on to the commercial committee." to read "through the Commercial Committee."
703	2018	2	Place question mark after "lawyers".
704	2018	22	Change "B esides we had to" to read "But the duties we had".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
705	2018	23	"business of a more current" should be "were of a more current".
706	2018	25	Change "the specific letter," to "pending matters."
707	2018	27	"Krieger" should be "Krueger".
708	2019	10	"received" should be "receive".
709	2021	1	"&mpstrat" should be "Aufsichts- rat".
710	2022	18	Change entire line to read "leaders and to help Mr. Waibel. This man was to talk to the Foreign Organization and say: There, you".
711	2027	12	Change "has been a personal opinion of everybody" to read "was pondered by everybody".
712	2027	16	Change "he entangled in a war;" to read "he entangled in a war." changing semi-colon after "war" to period.
713	2027	17	Begin new sentence with "That he would" in the beginning of the line. Change period to comma after "world," continuing sentence with "I believe".
714	2029	7	Change "but in case, as you say, it must have been the case because you have it" to read "but in this case, it must have been the case because you say you have it".
715	2029	19	Delete as repetition "That is, that part of Czechoslovakia?"
716	2031	16	"fules" should be "rules".
717	2032	27	Change "In case - I will translate it in English. I would say," to read "In case I were to translate it into English, I would say,".
718	2033	2-3	Use quotation marks in these two lines as follows: "For later employment", yes, "for later" — I am sorry. "To be employed later" or "for later employment."
719	2033	12	Place comma after "Powers." (third word) and after "Powers," (seventh word).
720	2033	30	Insert "we knew" before "that he might".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
721	2033	31	"by regaining" should be "in regaining".
722	2034	2	Delete comma after "careful" and change following word "but" to "than".
723	2034	5	"This resulted" should be "It resulted".
724	2034	8	"Dr. Fanter" should be "Dr. Fanta"
725	2034	9	"in Fact Dr. Fanter function" should be "in fact Dr. Fanta functioned".
726	2034	12	"comples" should be "complex".
727	2035	16	Delete comma after "desires".
728	2036	21	"the only was" should be "the only way".
729	2037	3	Change "meantime also through" to read "meantime I had also gone through".
730	2037	22	"from you the three" should be "from you about the three".
731	2040	8	"section" should be "action".
732	2041	31	Last three words on page "in that he" should be "and that he".
733	2042	5- 6	Change "wanted to have all number at I.G. plants" to "a representative of all I.G. plants"
734	2042	7	First word "attend" should be "attended".
735	2043	5	Insert "danger" after first word "great".
736	2043	7	"hos worry" should be "his worry".
737	2043	9- 10	Delete as repetition "that he actually expressed".
738	2043	20	Add "with the Foreign Organization?" after "history", deleting question mark after "history".
739	2044	2	Insert "Waibel" after "Kommerzienrat".
740	2044	12	"staffs to work;" should be "staffs work;"
741	2046	7	"I consider" should be "I considered".
742	2053	12	Insert "give," after "read,". Change semi-colon at end of line to comma.

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
743	2054	29	"justiciable" should be "justifiable".
744	2054	30	"that are before us" should be "that is before us."
745	2055	1	"with the defendant" should be "with a defendant".
746	2059	15	"are I.G. Works;" should be "are pure I.G. Works;"
747	2060	3	Change "can only put down part" to read "cannot put down only part".
748	2060	23	"civilian" should be "caustification".
749	2062	3	"it concerned" should be "is concerned".
750	2062	6	"after you list" should be "under your list".
751	2062	8	"caustic soda" should be "caustic soda".
752	2064	22	Change coma to period after "question"... Begin new sentence with "Altogether" and delete semi colon after it.
753	2064	25	"of your is which" should be "of yours in which".
754	2064	29	"that the figures" should be "that in the figures".
755	2065	2	"and after that page 6" should be "and on page 6".
756	2065	17	First word "on" should be "one".
757	2065	28	"at any request" should be "at my request".
758	2066	1	"you opinion" should be "your opinion".
759	2069	25	"to the Party units;" should be "of the Party units."
760	2072	9	Delete last word in line "not".
761	2074	18	"NI-9957" should be "NI-7957".
762	2075	3	Change "in the meantime, one could" to "but one could".
763	2075	5-7	Change lines 5, 6, and 7 to read as follows: "This represents only the formal situation. We will occupy ourselves with the material problem later, and now only clarify the formal state of affairs. Therefore, I should".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
764	2077	3	Place quotation marks after "Committee".
765	2079	13	"NI-o200" should be "NI-9200".
766	2082	22- 23	"Book VII" should be "Book XLVII".
767	2082	23	Insert "Document NI-8149" after "850," (placing comma after "850").
768	2084	6	"to the Platzter" should be "to Mr. Platzter".
769	2085	10	Change "of the department head of Berlin" to read "of the meeting of the department heads of Berlin".
770	2087	10	Place quotation marks at the end of line after "Committee."
771	2087	12	"NI-7543" should be "NI-7343".
772	2090	12	Place quotation marks and dash after "Bulletin No." Place dash after "forth," at the end of line.
773	2090	13	Place quotation marks at beginning of line.
774	2091	8	Delete last word "in".
775	2091	17-18	"and a Markt" should be "and Dipl.Ing. Markt,".
776	2093	9-10	Delete "dated 30 May, 1939,".
777	2093	21-28	Place quotation marks before "Discussion" in line 21, and also at end of paragraph.
778	2097	17	"in the English document" should be "in the English document book".
779	2100	7	"NI-7801" should be "NI-7981".
780	2109	20	"XLVI; XLVII, and XLIV" should be "XLVI, XLVIII, and XLIX,".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
764	2077	3	Place quotation marks after "Committee".
765	2079	13	"NI-o200" should be "NI-9200".
766	2082	22- 23	"Book VII" should be "Book XLVII".
767	2082	23	Insert "Document NI-8149" after "850," (placing comma after "850").
768	2084	6	"to the Flatzer" should be "to Mr. Flatzer".
769	2085	10	Change "of the department head of Berlin" to read "of the meeting of the department heads of Berlin".
770	2087	10	Place quotation marks at the end of line after "Committee."
771	2087	12	"NI-7543" should be "NI-7343".
772	2090	12	Place quotation marks and dash after "Bulletin No." Place dash after "forth," at the end of line.
773	2090	13	Place quotation marks at beginning of line.
774	2091	8	Delete last word "in".
775	2091	17-18	"and a Markt" should be "and Dipl.Ing. Markt,".
776	2093	9-10	Delete "dated 30 May, 1939,".
777	2093	21-28	Place quotation marks before "Discussion" in line 21, and also at end of paragraph.
778	2097	17	"in the English document" should be "in the English document book".
779	2100	7	"NI-7801" should be "NI-7981".
780	2109	20	"XLVI; XLVII, and XLIV" should be "XLVI, XLVIII, and XLIX,".

Item No.	Transcript Page	Line	PROPOSED CORRECTION
781	2110	27-28	Insert the following in quotes between lines 27 and 28: "Dear Mr. Reithinger: Sometime ago you expressed to Mr. D. A. Schmitz a desire to be kept informed on technical developments in the United States. From time to time you will receive reports prepared by Mr. E. H. Ludwig on this subject, one of which is enclosed."
782	2111	3	"Judges!" should be "Judge's"
783	2111	22-	"878" should be "879".
784	2111	29	"Phenylarseuic" should be "Phenylarsenic"
785	2111	30	"of insecticide" should be "as insecticide"
786	2111	31	"since produce" should be "send the product"
787	2112	21	" U.G" should be "U.S."
788	2113	13	"at time here" should be "at times here"
789	2113	18	First word "out" should be "our"
790	2114	23	"important to the showing" should be "important, the showing"
791	2114	10	First word "questioned" should be "questions"
792	2114	26	Change "utilize secret sources, as well as public sources," to read "utilized public sources, as well as secret sources,"
793	2115	5	"Tischer" should be "Fischer"
794	2115	18	"Saloon" should be "salon"
795	2115	30	"I had made" should be "I have made"
796	2118	2	"importance development" should be "importance to the development"
797	2120	12 -13	Delete as repetition from "And transmittal in line 12 through "chancellory," in line 13.
798	2124	23	"Bosch states" should be "Schnitzler states"
799	2129	25	"introduce" should be "intricate"
800	2133	2	"117" should be "170"
801	2135	22	"hitherto reports" should be "hitherto reported"
802	2135	31	"0558" should be "NI-10558"
803	2139	25-26	End paragraph with "IA?" In line 25. Delete remainder of line 25 and first two words in line 26. Insert the following:

Item No.	Transcript Page	Line	PROPOSED CORRECTION
803	2139	25-26 (Continued)	A. Yes. Q. So that I can say that you intend the expression "highest level committee" to mean (Continue with "that you were concerned" in line 26.
804	2139	27	Change semi-colon after "directorate" to period. Change last word in line "the" to "now the", beginning new sentence.
805	2141	1-2	Change period to comma at end of line 1. Continue sentence with "scientists" in line 2.
806	2142	21-22	Insert the following line between lines 21 and 22. "Mr. Sprecher: I have no further questions, your Honor."
807	2146	28	"Verbindungs maenner" should be "Verbindungs-mann"
808	2147	18	Place dash and quotation marks before the last word "and"
809	2148	11	"Southern" should be "Southeastern"
810	2 149	5	Delete entire line as repetition.
811	2152	20-21	Insert the following between lines 20 and 21: "consists of excerpts from a report by Heinrich Homan containing information on relations between the United States and Argentina concerning measures taken to combat the Axis Powers. The Prosecution offers as its Exhibit 908, a document marked NI-9554, which appears on page 33 of the English and page 50 of the German text, and" (Line 21 continues from here. Errata sheet has already been issued for this correction)
812	2152	26-27	Insert the following between lines 26 and 27: "document consists of excerpts from a report by Heinrich Homan and contains information regarding the types of Argentine exports to the United States. The Prosecution offers as its Exhibit 910, a document marked NI-9559, which appears on page 37 of the English and page 56 of the German text. This" (Line 27 continues from here. Errata sheet has already been issued for this correction also).
813	2154	16	"1942 the diplomatic relations" should be "1942 after diplomatic relations".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
814	2154	18	Delete "and" after "Mexico"; Place quotation marks before last word "Verbindungs".
815	2154	30	Change "in Argentina according to the report consisted" to read "In Argentina. According to the report it consisted".
816	2155	12	Change "an itue marked" to read "where it is marked".
817	2155	29	Change "subersion of pre-Allied contried" to read "subversion of pro-Allied countries".
818	2156	28	"to lead itself" should be "to lend itself".
819	2156	31	Change "that is the case in these documents" to read "that is, in the case of these documents".
820	2157	29	Change "Ilgnier's For East Report" to read "Ilgnier further states that Block visited him in 1936 after reading Ilgnier's Far East Report".
821	2159	28	"VOWI" should be "WIPO".
822	2162	16	"To the document NI-914" should be "to Exhibit 914".
823	2164	2	Place quotation marks after "done". Delete quotation marks before "I an".
824	2164	3	Place quotation marks before "through"
825	2164	10	Change comma to period after "now".
826	2164	32	"approa hedus" should be "approached us."
827	2166	14	Place quotation marks before "when" at beginning of line.
828	2166	31	Change "not to transmit" to read "do not transmit".
829	2167	21	First word "on" should be "of".
830	2170	24	Place quotation marks at beginning of paragraph.

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
831	2170	30	Place quotation marks at beginning of paragraph.
832	2172	15	"known at" should be "known as". Delete comma after "Gesellschaft".
833	2172	31	"85" should be "686".
834	2174	8	Place quotation marks before "I should".
835	2175	20	"Dye Committee" should be "Dyestuffs Committee."
836	2175	30	"Herrn Kuenzler and Herrn Putkoner" should be "Herr Kuenzler and Herr von Putkoner".
837	2180	2	"in more business", should be "as mere business".
838	2193	3	"Count w" should be "Count 2".
839	2195	2	"and I" should be "and myself".
840	2195	20	"Book 38" should be "Book 40".
841	2197	26	Place quotation marks after "find out".
842	2198	24	Insert "is" after "concerned".
843	2198	28	Insert "were" after "Abwehrbeauftragter".
844	2199	2	Place comma at end of line.
845	2199	12	"That are" should be "that these are".
846	2199	28	"I shall with" should be "I shall begin with".
847	2199	31	"you were of" should be "you were one of".
848	2200	4	"deah" should be "head".
849	2200	5	"therefore can" should be "therefore I can".
850	2201	17	"individual within" should be "individual department within".
851	2205	7	"Belegungs planere" should be "Belegungs plane".
852	2206	4	"Banac-meguin" should be "Banag". next word "There" should be "Then".
853	2206	9	"Bannest" should be "Banag".
854	2210	13	Change "we saw proof to be shown to" to read "we saw to it that proof was shown to".

Item No.	Transcrip page	Line(s)	PROPOSED CORRECTION
855	2214	26	Insert "and" after the first word "affidavit";
856	2215	14	"we would like" should be "but we would like".
857	2217	16	"1925 or 1925" should be "1935 or 1936".
858	2217	22	"at the authorities", should be "under the authorities,".
859	2217	23	Change this entire line to read "in the years after Hitler, that is, after 1933, I really cannot tell you anything".
860	2217	25	"of 1936" should be "around 1936".
861	2217	30	Delete "between" before "Dr. Kuehne".
862	2217	32	Delete "do you know that".
863	2221	28	"What unpleasant did occur?" should be "What unpleasant matters did occur?"
864	2222	2	Place dash between "view" and "was dictated".

Item No.	Transcript Page	Line	PROPOSED CORRECTION
865	2223	8	Delete "its" after "affidavits".
866	2223	10	Please colon after "I quote:" Place quotation marks before "From there".
867	2223	14	Place quotation marks at end of paragraph.
868	2223	15	Insert "(Exh 735, NI-10538)" after "Volume 40"
869	2223	19	Insert "process" after "carbonyl".
870	2223	22	"Nickel reserve" should be "nickel acid"
871	2223	23-24	Insert the following between lines 23-24: WITNESS: Nickel reserve. DR. DIX: Here it says "nickel acid". And in the last affidavit: "I know that before the war I was occasionally --"
872	2224	7	Insert "between" after "distinction".
873	2224	9	"their consequences" should be "its consequences".
874	2224	15	"why answered" should be "why he answered".
875	2224	19	"and that expedite" should be " and thus expedite".
876	2225	16	First word "tour" should be "or".
877	2226	1	"(Court)" should be "THE PRESIDENT:"
878	2227	10	Change "I understand it after it has been" to read "I understood it after it had been".
879	2227	16&28	"Mureck, Conrad" should be "Mueller-Conradi".
880	2230	14	"Mueller-Conrad" should be "Mueller-Conradi".
881	2232	13	"I will pass" should be "I will state".
882	2234	31	Insert "and in case" before "it is your desire".
883	2236	28	Change "asstable" to read "as on the non-technical".
884	2239	29	Delete comma after "Professor".
885	2241	30	Change "was examined" to read "was discovered in the course of an experiment".
886	2242	25	"trade hygiene" should be "industrial hygiene".

Item No.	Transcript Page	Line	PROPOSED CORRECTION
887	2246	12	Last two words "in your" should be "if your".
888	2247	8	"wanted have examined" should be "wanted to have examined".
889	2247	10	Delete as repetition "especially in cases where he considered them to".
890	2247	21	Insert the following after "themselves": "through testing and chemical development must establish whether".
891	2247	29	"of all" should be "have".
892	2248	9	Place comma after "date". Change "do you" to "did you".
893	2248	25	Change "reason was secrecy" to read "reason. The other reason was secrecy".
894	2249	21	Change "which in 1943 gave" to read "to which in 1943 we gave".
895	2252	2	Delete first word "that".
896	2256	18-19	Change "was dangerous in laboratory action" to read "was to come into military hands". Change "see to it that such chemical warfare" to read "determine that such chemical warfare agents".
897	2259	9	Change "but on the other that" to read "but on the other hand, it was known to me that".
898	2259	10	Change entire line to read "had quality of burning, so I turned my attention in both directions,"
899	2259	12	"Completely responsible" should be "completely responsive".
900	2260	11	"Now after some" should be "Now after words, did some".
901	2261	4	"Book 20, German page 82." should be "book 20 of the German, page 82."

Item No.	Transcript Page	Line	Proposed Correction
902	2262	24	Change "lines 8, I told Krauch" to read as follows: line 8, which should read as follows: "I told Krauch"
903	2262	25	Place quotation marks after "planning".
904	2265	3	Change "If you have the opportunity" to read "I think you will shortly have the opportunity."
905	2266	14	Insert "he" after "1936".
906	2268	10	Delete "not" after "Plan".
907	2268	12	"I have no objection." should be "I have an objection."
908	2273	30	"by the Prosecution, Exhibit 682." should be "by the Prosecution as Exhibit 682."
909	2274	31	"and since we are" should be "that since we were."
910	2280	13	Last word "has" should be "had".
911	2283	11	Place single quotation mark before "All selfish interests".
912	2283	12	Delete single quotation mark before "Our whole nation".
913	2289	25	"for Prussia, Dr. Bracht." should be "for Prussia being Dr. Bracht."
914	2290	6	"976" should be "9767,".
915	2291	12	Place quotation marks at beginning of line.
916	2291	13	Place quotation marks at end of paragraph.
917	2294	3	Delete "about" after "gentlemen".
918	2294	30	Last two words "more on". should be "move on."
919	2295	16 & 22	"prebound" should be "propound".
920	2297	13	"would have" should be "would he have".
921	2309	15	Delete diagonal and quotation marks before "the tasks".
922	2309	16	Change "listed under No. 3 under 3a 6 it reads" to read "listed under No. 3. Under 3 A 6 it reads".
923	2309	25	Delete quotation marks after "Engagement".
924	2309	26	Place quotation marks after "question" at end of line.
925	2310	5	"is meaning" should be "means".

Item No.	Transcript Page	Line	Proposed Correction
926	2313	5	"past script." should be "postulate."
927	2314	2	"When" should be "A". Last word in line "are" should be "is".
928	2314	3	Change "To a corps esprit d'corps." to read "To a corps belongs generally an esprit de corps."
929	2314	10	"considered it" should be "considered the".
930	2318	21	Insert "of the" before "Aktiengesellschaft".
931	2318	25	"in III of I.G.," should be "in Sparte III of I.G.,".
932	2318	26	"head of III," should be "head of Sparte III,".
933	2319	8,9,10	"TA" should be "TEA".
934	2319	28	Change "and what that made DAG" to read "and how the things concerning DAG".
935	2320	25	"to Dr. Paul Mueller" should be "of Dr. Paul Mueller".
936	2324	23 & 29	"TA" should be "TEA".
937	2324	24	Change "not cases of military production but" to read "not to military products but to".
938	2324	27	"Dr. Miller" should be "Dr. Mueller".
939	2324	31	First word "class" should be "Sparte".
940	2325	25	"meetings?" should be "meetings of the Sparten?"
941	2327	10	Change comma to period after "companies". Change "were also concerned" to read "Were there subsidiary companies also concerned".
942	2327	27	Insert "Court" after "Finance".
943	2328	12	"DAG" should be "DAG, etc.,".
944	2331	11	Place period after "moment". Begin new sentence with "Please".
945	2331	14	"war agents" should be "warfare agents".
946	2331	16	"Product" should be "Products".
947	2332	6	Last word "calculation" should be "calculations".
948	2333	1	"with the existing" should be "with the existing factories".
949	2337	21	"Mat, 1938," should be "May 1938,".
950	2338	4	"Orgacit" or "Orgagit" should be "Orgacid".

Item No.	Transcript Page	Line	Proposed Correction
951	2338	7	Change "near Neulinghausen." to read "near Recklinghausen was chosen."
952	2339	3	"contractional" should be "contractual".
953	2339	8 - 9	Change "assignment which later became Huels of the Ordnance Office." to read "assignment by the Ordnance Office which later became Huels."
954	2339	21	"know if" should be "know of".
955	2340	28	Delete second word "werks".
956	2341	19	Delete last word "Wa F".
957	2341	21	Change last two words "research do" to read "research department did".
958	2341	32	Delete entire line and replace with the following: "I know of Dr. Schumann only--"
959	2342	21	Delete quotation marks at beginning of line.
960	2342	22	Delete quotation marks after first word "years".
961	2342	28	"development of research" should be "development and research".
962	2343	14	"Wa Pruef P" should be "Wa Pruef 9".
963	2343	24	Change "Colonel Dr. Chen." to read "A Colonel Dr. Kimme or Dr. Schmidt."
964	2343	26	Change "Colonel, Schmidt, Hirsch, Linde, Gebhard," to read "Colonel Schmidt, Colonel Hirsch, von der Linde, Rittler, Gebhard, Ritze,".
965	2343	32	"for ballistics." should be "for the Ballistics Institute."
966	2344	12	"Peenemunde" should be "Peenemuende".
967	2344	13	"Grundsturch G.M., G.H." should be "Grundstuecks GmbH."
968	2344	15	"a laboratory" should be "a gas protection laboratory".
969	2345	18	"WA at Spandau," should be "WA Pruef 9 at Spandau,".
970	2346	3	Last word "Spa" should be "Spandau".
971	2348	11	"so correct," should be "is correct,".
972	2348	27	Place comma after "later".
973	2351	8	"Hauptausschuss" should be "Hauptausschuss".
974	2351	16	"be changed in" should be "be changed to".

Item No.	Transcript Page	Line	Proposed Correction
975	2351	32	Delete quotation marks at beginning of line.
976	2351	33	Delete quotation marks after "Lonal".
977	2352	2	Place quotation marks around the phrase "and perhaps Goldschmidt".
978	2352	3	Delete quotation marks at beginning of line.
979	2352	4	Delete quotation marks after "produced".
980	2352	5	Delete quotation marks at beginning and at end of line 5.
981	2355	9	"question" should be "questions".
982	2357	21	"used his" should be "used its".
983	2358	25	"Fiels" should be "Fields".
984	2360	29	"the 73," should be "the page 73,".
985	2363	8	Last word "by" should be "of".
986	2366	32	Place quotation marks before "this would".
987	2368	2	"a was" should be "a war".
988	2368	8	Last word "that." should be "the same."
989	2372	1	Delete quotation marks at beginning of line. "Holland Italy" should be "Holland and Italy".
990	2372	4	First word "stand" should be "state".
991	2375	15	Place dash instead of period before quotation marks at end of line 15.
992	2376	17	Place quotation marks after "illusions."
993	2380	1	Delete as repetition "Page 158 of the English,".
994	2383	32	Insert the following with quotation marks before it, before "we would": "In a later discussion, Howard inquired whether, under the present circumstances,"
995	2385	10 - 11	Change "The I.G. indicated that they have not yet to secure the consent" to read "The I.G. representatives could not give me these at the Hague because they had not yet secured the consent".
996	2390	31	"ter Heer an Loehr" should be "ter Meer and Loehr".
997	2392	1	"it should be a" should be "there should be".

Item No.	Transcript Page	Line	Proposed Correction
998	2392	2	Second word "quantity" should be "quantities"; "was omitted" should be "which were omitted."
999	2394	3	"is extracts" should be "consisting of extracts".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
1000	2400	21	Delete "when I see" in middle of line.
1001	2403	6	Change first word "that" to "what"
1002	2404	3	Change comma to period after second word "law". Delete "which" after "ordinance No. 7".
1003	2404	6	"being free" should be "are free".
1004	2405	11	Delete "which" before "I must admit".
1005	2406	18-19	Change "if it cannot be enacted for convenient reasons if it" to read "if for convincing reasons it".
1006	2406	21	Change "this principle. Of course, in cases" to read "this principle, that, in cases".
1007	2407	8	Change comma to period after "essence". Begin new sentence with "If I understand".
1008	2407	11	Place comma after "witnesses" at end of line.
1009	2409	17-18	"when they arise." should be "when it arises."
1010	2411	13	Change comma to period after first word "examine." Begin new sentence with "That is important".
1011	2411	15	Change comma to period after "brought in." Begin new sentence with "Also". Insert "that" after "mind" and before "we would."
1012	2411	31	Place question mark after "discussed".
1013	2412	2	Place question mark after "effect". Delete comma after "question".
1014	2412	6-7	"iniative" should be "initiative".
1015	2413	8	Place period after first word "defense." Begin new sentence with "Because."
1016	2413	16	Delete comma after "defense counsel".
1017	2413	19	" week end and discuss" should be "weekend to discuss".
1018	2414	15	Add "to" at end of line after "opportunity".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
1019	2413	19	"weekend and discuss" should be "weekend to discuss."
1020	2414	15	Add "to" at end of line after "opportunity."
1021	2414	25	"on question" should be "one question."
1022	2416	10	"was the reason Farben for" should read "was Farben's reason for."
1023	2416	26	"and was was" should be "and it was."
1024	2416	27	"surely after" should be "how shortly after."
1025	2416	31	"to the Farben furnishing" should be "to Farben's furnishing of".
1026	2416	32	Change comma to period after "tetracenes".
1027	2417	10	Delete "and" before "which".
1028	2417	12	Insert "and Remington" after "Westfaelische".
1029	2417	19	"memorandums" should be "memoranda".
1030	2417	20	"or Remington Arms expresses" should be "of Remington Arms express".
1031	2418	15	"asked to object to state" should be "asked me to state".
1032	2418	21-22	Change "this was done already before in Nurnberg in 1947, during this Trial." to read "This was done in Nurnberg, at the end of April 1947 on the occasion of an interrogation on this document through an official of the Prosecution."
1033	2419	8	"first Dr. Silcher" should be "first that Dr. Silcher".
1034	2419	13	Delete "to me" as repetition.
1035	2419	30	"who statement" should be "whose statement".
1036	2421	13	Change "in any way it does not" to read "in order that it may correctly".
1037	2422	15	Place comma after "point out". Change the following words: "I have already asked the Defense Counsel that" to read "as I have already stated to the Defense Counsel, that".

Item No.	Transcript page	Line (s)	PROPOSED CORRECTION
1038	2424	15	Delete quotation marks after "Berge". Change "981" to "1981" and place quotation marks after it.
1039	2426	11	"is the scope" should be "that is the scope".
1040	2426	16	"are a limited feature" should be "are limited features."
1041	2428	7	"simple" should be "simply."
1042	2428	25	Insert "law" before last word "than".
1043	2428	26	"charger" should be "charter".
1044	2428	31	Change last word "operates" to "operated".
1045	2429	15	"appear" should be "appears".
1046	2430	1	"page 9", should be "page 9 of the German,"
1047	2430	11	Change "then, with patents," to read "then patents,".
1048	2430	12-13	Change period after "patents" in line 12 to comma and continue sentence with "at page 11" in line 13.
1049	2430	16	Place quotation marks at beginning of paragraph.
1050	2430	24	Place quotation marks at end of paragraph.
1051	2432	7	Change period after "1938" to comma and continue sentence with "to start".
1052	2432	10	"1949" should be "1939"
1053	2432	14	"page 31," should be "page 31 of the German".
1054	2434	6	Change "I think I'll turn over to page 33," to read "I think rather on page 33,".
1055	2434	7	Change "book. The conclusion" to read "book, is the conclusion".
1056	2434	28	"that they only" should be "that the only".
1057	2434	6	Delete quotation marks at end of paragraph.
1058	2437	5	Change "that the American General" to read "that in regard to the American General".

Item No.	Transcript Page	Line (s)	PROPOSED CORRECTION
1059	2437	19	Last word "is" should be "are".
1060	2438	3	"is the entire" should be "is that the entire".
1061	2438	17-18	"as a natural part" should be "as an integral part".
1062	2438	19	Change "empire. Which was a power and the necessary power" to read "empire, which was a part and the necessary part".
1063	2440	11	Add "of the German," at end of line after "page 70".
1064	2440	27	"page 72," should be "page 72 of the German".
1065	2441	30	"77" should be "77 of the German".
1066	2443	2	Change "Economic--Banking of 11 June" to read "Economic Group Private Banking, Central Association of German Banks and Bankers, of 11 June".
1067	2444	4	Change "that he will" to read "that the Vorstand will".
1068	2444	9	Insert "of the German" after "page 90".
1069	2444	17	Change "this now is a letter" to read "which is a letter".
1070	2444	23	Place quotation marks after "as follows:"
1071	2446	11	Change "is indicating or advising" to read "indicates or advises".
1072	2446	22	Change period to comma after "party".
1073	2447	10	Place quotation marks after "camouflage". Delete quotation marks before the next word "Now".
1074	2447	11	"was later given NI-8646." should be "was later given the number NI-8646".
1075	2447	12	Change "at this point that" to read "in order to point out that".
1076	2447	13	Change "which has been offered in as Exhibit 2652." to read "which is referred to here as NI-2652."
1077	2448	24	"of April 9, 1938." should be "dated April 9, 1938."

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
1078	2448	28	"we met him before" should be "we met before".
1079	2450	15	"set forth" should be "sets forth".
1080	2450	23	Delete "in line"
1081	2450	26	"is set forth" should be "are set forth".
1082	2451	11	Place dash instead of period after "conferences". Do not capitalize next word "we".
1083	2451	12	Place dash instead of period after "conferences". Do not capitalize next word "but".
1084	2451	17	"consequence" should be "infer- ence".
1085	2451	20	"we refer" should be "we referred".
1086	2451	23	Delete "there is".
1087	2451	24	"the same time orders" should be "the same time contains orders".
1088	2451	27	Insert "were" after "dependants".
1089	2451	28	"to carry out" should be "to en- able them to carry out".
1090	2452	3	"and you read that in the" should be "and one reads about them in the".
1091	2452	5	Change "that may lead to infer- ences" to read "and would lead to inferences". Change last word "are" to "should be".
1092	2453	6	"as indicated" should be "to be indicated".
1093	2455	15-16	Delete as repetition "which lay behind the decisions".
1094	2455	19	"Austria" should be "Czechoslo- vakia".
1095	2455	22	"Whether for good" should be "Whether for better".
1096	2456	6	Delete "it" before last word "is".
1097	2456	29	"further would" should be "further that would".
1098	2456	30	Delete "and" after "argument".
1099	2457	20	Place quotation marks after "2a".
1100	2457	28	"D" should be "f". Place quota- tion marks before next word "Chemical"

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
1101	2457	29	"refers" should be "referred".
1102	2458	15	"from maintenance" should be "and maintenance".
1103	2458	31	Change second word "is" to "us".
1104	2459	6	Change "NI-1747, is already" to "NI-4717, which is already".
1105	2459	21	Change "it speaks about the" to read "again the".
1106	2460	12	"of documents" should be "of the document".
1107	2460	13	"defendant" should be "defendants".
1108	2461	31	Last two words "is as" should be "it as".
1109	2462	11	"these is a plant" should be "these are plants".
1110	2462	12	"put special interest" should be "took special interest".
1111	2463	1	"to that 388 PS" should be "to document 388 PS".
1112	2463	2	"on the 23 of September" should be "that on the 23rd of September". Delete "that" before last word "they".
1113	2463	3	Delete first word "have".
1114	2464	3	Insert "of the German." after "19."
1115	2464	12-13	Delete as repetition "and with the German Economics; with Mr. Keppler, Secretary of State,".
1116	2464	22	Place quotation marks after "concern".
1117	2464	24	Insert "by" before last word "the".
1118	2465	1	Delete first word "and". Begin new sentence with the next word "The".
1119	2465	18	Delete "As".
1120	2465	19	Change comma to period after "834" Change "this is a not" to read "This is a note".
1121	2465	20	Change "it is four days" to "which is four days,".
1122	2465	24-25	Change "a few documents, back on 21 September, was the report sub- mitted to the Vorstand of" to read "a few documents back, in

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
1122	2465	24-25 (con't)	Exhibit 1043, was the report, dated 21 September, submitted to the Vorstand on".
1123	2466	2	Delete "that" before last word "in".
1124	2466	4	"Auxiliary tasks" should be "Relief Fund".
1125	2466	5	Place quotation marks at end of paragraph.
1126	2466	20	"before General Christiansen," should be "to General Christiansen."
1127	2466	21	"Air Corps contributed" should read "Air Corps, a contribution of".
1128	2467	7	Delete "or" in middle of line.
1129	2467	10-11	Change "as to whether or not they were flyers, as to whether or not they were foot troops" to read "in accordance as to whether they were flyers, motorcyclists, or foot troops."
1130	2468	5	Insert "of the German," after "35".
1131	2468	21	"remarks" should be remarked".
1132	2469	10	Add "of the German," after "page 38".
1133	2469	23	"At page 31" should be "At page 131".
1134	2469	26	Add "of the German," after "page 41".
1135	2469	32	Insert "of the German," after "42".
1136	2470	2	Add "of the German," after "43".
1137	2470	11	Place quotation marks after "organizations".
1138	2470	27	Add "of the German," after "46".
1139	2471	1	"you disregard" should be "that you disregard".
1140	2471	31	Insert "of the German," after "60".
1141	2472	1	Second word "will" should be "which". Last word "questions" should be "issues".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
1142	2473	11	Change "New Order of General Part for France" to read "New Order, the General Part and the New Order for France,"
1143	2473	23	"of the German", should be "of the German book,".
1144	2473	24	"page 1 of the German, the document itself" should read "page 1 of the German document itself".
1145	2473	25	Insert "of the German book," after "468".
1146	2474	4	Change "which is 470, which is page 3, of the German" to read "which is 470 of the German book and page 3 of the German document".
1147	2474	18	"which the countries" should be "for the countries".
1148	2474	21	Delete quotation marks after "part".
1149	2475	4	"The promise" should be "The premise".
1150	2475	9	Place quotation marks after "reason of". Delete quotation marks before "This is"
1151	2475	10	"the copy I have" should be "the copy Your Honors have".
1152	2475	10-14	Delete from "prewar development" in line 10 through line 14 and replace with the following: "the prewar development trend, it was found with its capacity and its scientific performance not only to keep its clear advantage but to advance even further. The outbreak of the war with all its consequent economic results broke this unequivocal development."
1153	2476	1	"And that that" should be "And with that".
1154	2476	4	Change period to comma after "paying". Continue sentence with "in the middle"
1155	2478	30	Change the following: "Mulhouse" because to read: "Mulhausen" in order to
1156	2479	1	Change first word "page" to "and".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
1157	2479	12	Change "in France as your Honors" to read "in France, or, as your Honors".
1158	2479	19	Change "to Milhouse that:" to read "to the Mulhouse companies that:".
1159	2479	25	Change first word "that" to "below".
1160	2480	16	Place quotation marks at end of paragraph.
1161	2481	12	Insert "of the original", after "71".
1162	2481	18	Last two words "is, we" should be "is that we".
1163	2482	1	Place comma after first word "original". Delete second word "page".
1164	2483	17	"At 196, which is 594, appears" should be "At page 196, which is 594 of the German appear".
1165	2483	19	Change period to comma after first word "nitrogen".
1166	2483	32	"Terhaar. Farben's Berlin NY-7," should be "Terhaar of Farben's Berlin NY-7,"
1167	2484	4	"he given the" should be "he gives the"
1168	2485	19	Insert "of the German," after "70",
1169	2486	6	Insert "of the German," after "75",
1170	2487	2	"NI-10165" should be NI-10164".
1171	2487	4	Delete "to" before "indicate".
1172	2487	6	Place comma after "discussed" and delete following word "and".
1173	2489	17	"has a statement" should be "should present a statement".
1174	2489	18	Change "purpose of it and," to read "purpose of the proof, and,".
1175	2489	19	Add "completed" after "will be" at end of line.
1176	2489	20	"within our timed session." should be "within the time, of this session."

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
1177	2496	30	"will not be even be necessary" should be "will not be necessary"
1178	2497	6	"52,53,53,55, and 56" should be "52,53,54,55 and 56".
1179	2498	5	Change "that has to do, quite apart" to "That has relevance quite apart".
1180	2501	26	"to whatever" should be "at whatever".
1181	2503	29	Delete "the" before "duress".
1182	2504	2	Delete "the element of". Add "although" after "defendants" at the end of line.
1183	2504	3-4	Delete "and when it".
1184	2504	9	"property and individual country" should be "prop rty in individual countries".
1185	2507	3	"force prevented" should be "force was prevented."
1186	2507	25	Change "which will not overrun" to read "from overrunning".
1187	2508	3	Delete "that" after "show".
1188	2508	8	Insert "concerning" before "motive".
1189	2509	6	"Government" should be "Governments".
1190	2509	18	"or have been" should be "which are or have been".
1191	2510	19	"1051" should be "1059".
1192	2511	2	"1051" should be "1059".
1193	2512	12	"in agreement" should be "into an agreement".
1194	2513	4	"was negotiating" should be "were negotiating".
1195	2513	22	"could not but" should be "could not buy".
1196	2516	19	Change "invasion immediately after" to "invasion. Immediately after."
1197	2516	26	Insert "of the German," after "63"
1198	2517	2	Insert "State Commissar for Private Economy" after "appointed".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
1199	2518	18	"about it, he talking" should be "about this, he is talking".
1200	2522	1	Insert "of the German," after "77".
1201	2522	16	"with Herr" should be "through Herr".
1202	2523	2	"we lay to crimes" should be "we claim crimes".
1203	2523	5	"he says" should be "and says".
1204	2523	8	Place comma after "attention" and delete next word "to".
1205	2523	9	Insert "to" before "the reference".
1206	2523	10	Change "participated in, as to Austria". to read "participated regarding Austria".
1207	2523	15-16	Place comma after "Haeffliger" in line 15. Delete "April 19, Haeffliger is reporting".
1208	2523	23	Place quotation marks before first word "Kuehne".
1209	2524	7	"page 63" should be "page 62".
1210	2524	27-28	Change period to comma at end of line 27. Continue sentence with "in such a way" in line 28.
1211	2526	6	"here is in" should be "here is that in".
1212	2527	18	Change "you will see" at end of line to "that".
1213	2527	27	"Verwaltungsret, etc." should be "Versaltungsret of the Amlichemie A.G.",.
1214	2528	18	"the next one." should be "the next item."
1215	2528	23	Change "this is a" to read "the index contains a".
1216	2528	27	Insert "of the German." after "131".
1217	2529	1	Delete "and this".
1218	2529	3	Insert "of the German", after "34".
1219	2529	21	Delete comma after "particularly".
1220	2530	3	"after here" should be "after this".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
1221	2531	1	Insert "and" before "at the bottom".
1222	2531	2	Insert "states" before "that no action".
1223	2531	5	Insert "of the German," after "135".
1224	2531	10	"Commission" should be "Commisar".
1225	2531	14	"Exhibit 1049" should be "Exhibit 1040".
1226	2532	14	Insert "of the German," after "142".
1227	2532	27	Insert "of the German," after "144".
1228	2534	18-19	"NG Chemical Firm" should be "I.G. Chemical Committee".
1229	2534	23	"on the fact" should be "on the face".
1230	2535	26	"begins the statement" should be "begins another statement".
1231	2535	30	"up to No. 8" should be "at No. 8."
1232	2536	8	Change "Page 53, if your Honors please, gives" to read "on page 53, if Your Honors please, he gives".
1233	2536	9	"and the next" should be "and in the next".
1234	2536	12	"at this office." should be "at his office."
1235	2536	21	"the German firms" should be "to German firms".
1236	2537	17	Place comma after "unverified" at end of line.
1237	2537	20	"requested him" should be "requested them".
1238	2537	23	"I think though" should be "I think that".
1239	2537	24	Last word "that" should be "since".
1240	2537	26	"it would not bar" should be "this would not bar".
1241	2538	1	Place quotation marks before "According".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
1242	2538	4	Place quotation marks after "participation".
1243	2538	11	"with a private letter" should be "in a private letter".
1244	2541	7	"with the two" should be "via the two".
1245	2541	14	Place quotation marks at beginning of line before "were".
1246	2541	23-25	Delete as repetition lines 23, 24, 25.
1247	2544	14	Insert "for" between "Commissar" and "Private".
1248	2549	3	"esse" should be "easy".
1249	2550	1	Delete "." at beginning of line.
1250	2550	9	Last word "at" should be "of".
1251	2554	23	"last three words" should be "last few words".
1252	2559	20	Change "The point is, I" to read "The point here".
1253	2559	21	Change "being in knowledge here of" to read "being knowledge of".
1254	2559	23	Insert "of the German", after "Page 8".
1255	2560	3	"belonged" should be "belonging".
1256	2560	20-21	Change "who the company is and their physical" to read "the nature of the company and its physical".
1257	2560	22	Place quotation marks before "because".
1258	2560	27	"quite" should be "quit".
1259	2562	14	"control of this." should be "control of these plants".
1260	2563	21	First two words "goes to" should be "entered and".
1261	2563	23	Change "Munich, in and takes" to read "Munich, I.G. Farben walks in and takes".
1262	2563	23-26	Change sentence beginning with last word "We" in line 23 and ending at end of paragraph in line 26, to read as follows:

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
1262	2553	23-26 (con't)	"I would not like to develop this point further, but the significance is that there are preparations for taking over Czechoslovakian industry."
1263	2566	8	"precedence to which" should be "precedent for that".
1264	2566	12	Insert "concerning" after third word "and".
1265	2566	13	Delete "concerning".
1266	2566	22	"to read them out." should be "to weed them out."
1267	2566	27	Place period after "paragraph" at end of line.
1268	2566	28	First word "Tgis" should be "This".
1269	2567	9	"always for the" should be "always easy for the".
1270	2567	11	Delete comma after "please". Place comma at end of line after "Tribunal".
1271	2567	14	"met a burden" should be "met our burden".
1272	2568 2569	29 6	"consider" should be "considered". "continued" should be "contingent".
1273	2569	12	"Then can betaken" should be "That can be taken".
1274	2569	15	"of the evidence" should be "with the evidence".
1275	2569	30	"Tribunal being called" should be "Tribunal be called".
1276	2570	3	Delete "of" after "value".
1277	2570	16	Change first two words "it is" to "which make it".
1278	2571	3	Last two words "of who" should be "of judges who".
1279	2572	13	"as I'm humanly" should be "as it is humanly".
1280	2573	13	Change "at the preceding" to read "as indicated on the preceding".
1281	2573	15	"on the next page", should be "on page 23".
1282	2573	17-18	"those entire minutes of those meetings" should be "the entire minutes of that meeting".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
1263	2573	25	Insert "of the German," after "41".
1264	2577	7	"Bruehna" should be "Brunner".
1285	2578	4	"NI-; 0531" should be "NI-10581".
1286	2578	28	"indicating" should be "indicate".
1287	2588	4	"as the so-called" should be "is the so-called".
1288	2588	9	"de jour" should be "de jure".
1289	2589	25	Delete "were" after "conditions".
1290	2589	27	Insert "basis" after second word "legal".
1291	2590	3	Place period after "upon you". Begin new sentence with "Counsel".
1292	2590	10	Change semicolon to comma after "ost".
1293	2590	11	Place comma after "trustees".
1294	2591	6	"The next document" should be "The next documents"; "the other" should be "otherwise".
1295	2592	9	"in permissible" should be "impermissible".
1296	2592	27	"and made certain persons," should be "by certain persons".
1297	2593	7	Add "is" after "out" at end of line.
1298	2593	8-9	"as interpretation" should be "an interpretation".
1299	2593	13	"basis" should be "basic".
1300	2593	26	Change "in the press as to" to read "as a precedent for".
1301	2594	1	"RTO" should be "HTO".
1302	2596	27	"RTO" should be "HTO".
1303	2597	2	"want them as" should be "want this".
1304	2600	7	Last word "paid" should be "made".
1305	2600	8	Change period after "Dr. Pohland" to comma. Place comma after "Dr. Wurster".
1306	2600	10	Change "to question once Dr. Pohland" to read "to bring up the question of Dr. Pohland".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
1307	2600	12	"official cart" should be "official chart".
1308	2600	15	Delete last word "only".
1309	2600	26	Change comma to period after "re- port". Begin new sentence with "you might".
1310	2601	1	Insert "regarding" after "con- nection".
1311	2601	16	Delete "with" after "contact".
1312	2602	15	"the Jews" should be "the Jew".
1313	2602	17	"indicating" should be "indicated".
1314	2602	23	"then, the" should be "than".
1315	2602	31	"to these defendants" should be "then these defendants".
1316	2606	1	"of Furster's" should be "of VOI".
1317	2606	10	Change period after "Poland" to comma. Continue sentence with next word "all".
1318	2606	11	Change "the last. Two and three" to read "the last two or three".
1319	2607	12	"customary us" should be "cus- tomary use".
1320	2609	6	"Gummy" should be "dummy".
1321	2609	8	"sopfistry" should be "sophistry".
1322	2609	12	Delete "quote".
1323	2609	15	Change "production, would con- tinue" to read "production, would have to be closed down. The Boruta, on the other hand, should continue".
1324	2609	18-19	"important German Economy," should be "importance to the German Economy".
1325	2611	27	Delete first word "in".
1326	2612	5	"You will not" should be "You will note,"
1327	2615	5	Place comma after second word "group".
1328	2615	15	Last word "or" should be "to".
1329	2615	22	"to make it in" should be "to put it in".
1330	2615	23	"If you will not" should be "If you will note".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
1331	2621	16	"Szpilfogel's" should be "Schwab's".
1332	2622	9	Delete first two words "the series".
1333	2622	23	"I am going" should be "I am not going".
1334	2623	31	"ush" should be "such".
1335	2626	2	Delete second word "in".
1336	2626	3	"deal" should be "deals".
1337	2628	3	Second word "Document" should be "Exhibit".
1338	2628	22	"addition" should be "additional".
1339	2630	24	Last three words "that is one" should be "on one".
1340	2631	10	First word "man" should be "mon"
1341	2633	23	"they had to be cured" should be "he had to be cured".
1342	2633	24	Second word "give" should be "gave"
1343	2641	30	Last three words "what you are" should be "which you are".
1344	2644	3	Delete "up to the year".
1345	2644	7	"concept" should be "consump- tion."
1346	2644	21	"their requirments" should be "its requirements".
1347	2644	21-22	Insert between lines 21 and 22 as part of preceding question the following "Yes there not such a provision?"
1348	2644	22	Place "A" before this line and dash instead of period after "then" at the end. (This is the beginning of the intended answer of the witness).
1349	2644	32	Add "state" after "you" at end of line.
1350	2647	28	"to confirm." should be "to confirm them."
1351	2652	9	Change fourth word "and" to "since".
1352	2660	14	Change "Well, of course" to read "The others have certified there- to also."

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
1353	2660	15	Delete "The others have certified thereto."
1354	2663	19	"Wirtschaftsfuehrungs" should be "Leadership".
1355	2669	3	"Dey Haas" should be "De Haas".
1356	2669	9	"under an operational company" should be "under operational companies of".
1357	2669	18	"SeHa as" should be "De Haas"
1358	2670	7-8	Delete both lines
1359	2670	10	Place comma after "experts" at end of line.
1360	2671	12	Change "quoting page 7 of the original" to read: just above "page 7 of the the original".
1361	2671	26	Delete semicolon after first word "back".
1362	2672	22	"NI 8-77" should be "NI 8077".
1363	2673	23	"and so;" should be "and so on;"
1364	2673	25	"it is ready" should be "itself".
1365	2673	30	Change "to put in their mouth." to read "to place on them."
1366	2675	15	Delete "and quote".
1367	2677	10-11	Change "and this proposes a company in between the synthetic rubber company East." to read "on the one hand, and Farben and the Synthetic Rubber Company East, on the other."
1368	2677	21	"that spoliation" should be "of spoliation".
1369	2677	27	Change "their having too much interference between" to read "their having not too much interference through".
1370	2677	29	"any less by virtue" should be "any loss by virtue".
1371	2677	30	"corporation should be "cooperation".
1372	2678	7	Last word "as" should be "was".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
1373	2682	11	Replace "they" by "it".
1374	2684	8	Place comma after "KLN" and change "strategically important war plants;" to "that is, war important and vital plants;"
1375	2684	13	Change "strategically and vital plants?" to "war important and vital plants?"
1376	2684	20	Change "KL" to "KLN".
1377	2684	21	Change "That is and vital strategic plants?" to read "That is important as war important and vital plants?"
1378	2684	28/29	Change "the armament and strategically important plants," to read, "the war important and vital plants,".
1379	2687	23	Change "plants" to "plans".
1380	2689	26	Change "face" to "fact".
1381	2689	29/30	Delete "which has been translated by 'readiness plant', 'stand-by plant'".
1382	2690	23	Change "objectionability" to "unobjectionability".
1383	2696	29	Change "medictionry" to "mediatory".
1384	2697	22	"No. 3-D" should be "No. 5-D".
1385	2698	4/5	Insert between lines 4 and 5: <p>"Dr. WOH ROSPATT: It is page 3 of the Original, Number 5-D.</p> <p>THE PRESIDENT: Yes, it is at the end of the page."</p>
1386	2698	18	Insert "but" between "all" and "only".
1387	2698	20	Change "places of" to "plans for".
1388	2705	19	Delete as repetition "in the office which he was in charge of remained secret".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
1389	2707	21	Delete "in Mess".
1390	2707	21	Change "capacity" to "from imprisonment".
1391	2707	29	Change comma to semi-colon after "I.G. Works".
1392	2708	24	Change "approached I.G.," to "the I.G.".
1393	2708	25	Change "on" to "in". Delete "i a" and place quotation marks before "Professor Hoerlein...".
1394	2710	4	"I added these words" should be "I changed these last words to".
1395	2710	16	Change "the explanation" to "an explanation for the words" and delete comma at end of line.
1396	2710	17	Change comma to colon after "of the examination". Place quotation marks before "that is,".
1397	2710	19	Place quotation marks after "for I.G." at end of paragraph.
1398	2710	21	Insert "which" after "experiments".
1399	2711	8	Place quotation marks around "Tabun".
1400	2711	15	Delete quotation marks after "tests" and before "on animals".
1401	2711	21	Change "on the latter worked there, it should say," to read "only the latter worked there, and it should say,".
1402	2711	27	Change "Under 10, that" to "Paragraph 10, which".
1403	2711	32	Change "by the latter be used" to read "by him could be used".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
1404	2712	1	Delete comma after "discovered".
1405	2712	2	Delete first word "was".
1406	2712	16	Delete last word "after".
1407	2720	8	Change comma to period after first word "not". Delete "whether that" and start next sentence with "As far".
1408	2720	10	Change "when" to "whom".
1409	2723	14	"acciditonal" should be "additional".
1410	2727	11/12	Delete "--which as I say were concluded--".
1411	2734	2	Change "Underneath" to "Under".
1412	2734	15	"was to put at" should be "was to be put at".
1413	2738	18	Insert "Germany" before "which" at end of line.
1414	2738	26	Change "the vital" to "of vital".
1415	2741	13	Place quotation marks after "Hoor".
1416	2741	14	Place quotation marks before "are ready".
1417	2742	11	Change "quote" to "quite".
1418	2744	6	Change "document 120C" to "Exhibit 1200".
1419	2744	8	Place comma after "only".
1420	2744	32	Change "Document 1202" to "Exhibit 1202". Delete rest of line.
1421	2745	1	Place "NI" before "10163" at beginning of line.
1422	2745	4	Change "disclose" to "disposo".
1423	2745	11	Change "of the majority" to "by which the majority". Add the word "be" after "could" at end of line.

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
1424	2745	12	Change "change by way of increasing its capital stock, the 43 per cent" to read "changed through increasing the capital stock, whereby the 43 per cent".
1425	2745	30	Change "point out as follows, -- and then" to read: point out the "as follows" -- and that.
1426	2746	13	Delete last word of paragraph "later".
1427	2746	27	Place quotation marks at end of paragraph.
1428	2748	16	Place comma after "before us".
1429	2748	17	Place comma after "before us".
1430	2748	29	"dreating" should be "creating".
1431	2749	8	Place quotation marks after "Viag". Insert "(Vereinigte Industriegesellschaft)" after "Corporation".
1432	2749	9	Delete "(vereinigte Industriegesellschaften) or".
1433	2749	10	Insert "or" before "Poisoning". Delete parenthesis at end of line.
1434	2749	18	Change "accused" to "accrued".
1435	2749	20	Place comma after "75". - Change "that" to "which".
1436	2749	23	Insert "of" between "because" and "the list".
1437	2750	6	Change last word "Aero" to "by us" and add quotation marks and dash.
1438	2750	7	Change "Bank, that is a German Reich Agency by us on behalf" to read as follows: that is, the Aero Bank, a German Reich Agency - "on behalf

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
1439	2750	13	Place comma after "Paris".
1440	2750	14	Place quotation marks and period after "order".
1441	2750	23	Insert "to interested" after first word "right".
1442	2750	27/28	Delete lines 27 and 28.
1443	2750	31	Delete quotation marks after "Treuhandgesellschaft".
1444	2751	3	Change "55%" to "53%".
1445	2751	19	Place quotation marks before "why the French".
1446	2752	8	Place comma after "affidavit," and insert "NI-6348" after it.
1447	2752	11	Change "NI" to "Exhibit".
1448	2753	6	Delete "and".
1449	2753	10	Place comma after "book," and insert "Page" between "book" and "106".
1450	2754	3	Place comma after "in it".
1451	2754	7	"none of the aspects" should be "none of these aspects". Delete the following words "of that".
1452	2754	14	Change "document what" to "doctrine which". Delete "as" before "res adjudicata".
1453	2754	16	Put comma after "document", and insert "that is," between "document" and "if it would". Change "our views" to "the rule". Add comma at end of line.
1454	2754	25	Place quotation marks before "Read and approved".
1455	2754	26	Add quotation marks at end of paragraph.

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
1456	2755	9	Change the following: located in this area were the dyestuff plants." to read: located there" → among which were the dyestuff and oxygen plants.
1457	2755	10	Change "and they are" to "The first is".
1458	2755	11	Delete quotation marks before "Among" and delete last word of line.
1459	2755	13	Place quotation marks before "Farben", "acquires" should be "acquired".
1460	2755	15	Place quotation marks after "owners".
1461	2755	18	Change "that in seizing" to "for the seizure of".
1462	2755	19	Change comma to period after "terri- tories". Begin new sentence with "Knowledge".
1463	2755	31	"he states" should be "it states", "seuzed" should read "seized".
1464	2756	12	Change "claim" to "seizure".
1465	2756	13	"they participated" should be "Farben participated".
1466	2756	21	"as to these documents;" should be "in these documents;".
1467	2757	2	"soized" should read "seizes".
1468	2757	4	"So long as" should be "Not as long as". Place period at end of line.
1469	2757	5	Delete first word "and" and start new sentence with "The IMT". Insert "that" before "so long".
1470	2757	7	Insert "this" between "within" and "limitation".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
1471	2757	31	Insert "of" between "because" and "the first proposition".
1472	2758	1	Insert "and" between "Convention," and "a participation". Change last word "of" to "by".
1473	2758	6	Insert "towards" between "because" and "an aggressive war".
1474	2758	8	"attached" should read "attacked".
1475	2759	7	Change "but there" to "and here".
1476	2759	12	Change comma after "nationals" to semi-colon.
1477	2759	13	Change "There" to "That".
1478	2759	14	"there defendants" should be "these defendants". Change "originally" to "aggressively".
1479	2759	22	Change sentence "I have understood your statement correctly." to read: "If I have understood their statement correctly, their knowledge came in this way."
1480	2759	23	"pressages" should read "passages".
1481	2759	30	Change comma to colon after "it" and delete last word "is".
1482	2760	1	Delete "or belligerency".
1483	2760	8	Change "as far as" to "since".
1484	2760	10	Change comma to period after "IMT" and start new sentence with "They".
1485	2760	11	Insert "that" before "having".
1486	2760	13	Change "having been" to "being". Add comma at end of line.
1487	2760	14	Delete first word "then".
1488	2760	15	Place comma after "IMT".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
1489	2761	21	"will mention" should be "I will mention".
1490	2761	24	Change "January" to "July".
1491	2761	25	"of this decree" should be "of presenting this decree". Delete "that" before last word "with".
1492	2761	26	Delete "you will see".
1493	2761	30	"with that respect" should be "in that respect".
1494	2762	19	Change "limitations" to "recommendations".
1495	2762	20	Delete quotation marks after "firms".
1496	2762	23	Delete "that".
1497	2762	29	Change "French" to "German".
1498	2763	16	"Nowack" should read "Noack".
1499	2767	30	Change "raise" to "remove".
1500	2770	19	Insert "to have it" between "cross- examination" and "elsewhere".
1501	2770	25	Change "concerning" to "claiming".
1502	2773	32	"At that time" should be "And that time". Change last word "note" to "remember".
1503	2781	9	Change "is considering" to "concerns".
1504	2781	14	"South-European" should read "South- East Europe".
1505	2783	5	Delete quotation marks after "prefer- ence".
1506	2785	20	"with respect to occupied France" should be "for occupied France".
1507	2786	7	Place quotation marks after "advised of I.G.'s application".
1508	2786	8	Place quotation marks at beginning of line.

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
1509	2786	14	"Dr. Hard" should read "Dr. Bard".
1510	2786	26	Insert "present" between "were" and "variously".
1511	2786	30	Insert "that" between "stressed" and "the pressure".
1512	2787	18	"this affidavit" should be "the skipped affidavit".
1513	2790	8	Place comma after "49" and delete next word "to". - Also delete "again".
1514	2790	9	Place quotation marks before "the whole"
1515	2790	10	Place quotation marks after "Committee".
1516	2791	13	Change "hospital" to "proposed".
1517	2791	17	Change "Francolor" to "Rhône-Poulenc".
1518	2791	24	Place quotation marks after "whereby it is agreed".
1519	2791	25	Place dash and quotation marks before "that concerning".
1520	2791	26	Insert "just" between "should" and "wait".
1521	2792	4	"weaking" should read "weakening".
1522	2794	9	Change "91" to "81".
1523	2795	6	Place quotation marks before last word "fail".
1524	2795	7	Change "and their" to "under the".
1525	2795	8	"would" should read "could". Place quotation marks at end of paragraph.
1526	2797	28	Delete "bon" before "Kugler".
1527	2798	7	Insert "is" between "Order" and "constantly".
1528	2799	15	Change "prosperous" to "prostrate".
1529	2801	19	Insert "as well as Farben's Waibel" between "Ambros" and "were".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
1530	2801	20	Insert "of the German Group" between "representatives" and "on the council"
1531	2801	32	Delete first word "that".
1532	2803	10	Place comma after "agreement".
1533	2803	21	Delete "to" after "go over".
1534	2807	25	Change "exception" to "except in".
1535	2811		Correct pagination: "8211" must read "2811".
1536	2813	15	Change "2 51 %" to "a 51%".
1537	2815	2	Place quotation marks before "the trademark" and delete "is".
1538	2815	5	Change "objections" to "suggestions"
1539	2815	15	"The Gorman Part" should read "The General Part".
1540	2816	20	Change "Blaise" to "Grillet".
1541	2819	9	Place comma after "document," and insert "NI-792" after it.
1542	2820	13	Change "Rhono-Poulenc's" to "Faure- Beaulieu's".
1543	2820	22	Change "Dr. Revy" to "Dr. Redies".
1544	2820	24	Change "he remarks on the patentability on" to read "the remarks on the patentability of".
1545	2822	30	Change "contained" to "confined".
1546	2823	11	"The Special Company" should be "The Specia Company".
1547	2823	12	"good aspirino" should be "word aspirino".
1548	2823	13	Change "for example" to "that is,".
1549	2823	24	Place quotation marks at beginning of line and change "contracted" to "contacted".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
1550	2823	26	Add "the" after "to be" at end of line.
1551	2824	23	Place quotation marks at beginning of paragraph.
1552	2824	27	Delete "it" after "submit".
1553	2825	2	"comprehensive" should read "comprehensible".
1554	2825	6	Change first word "Schnitzler" to "Schmitz".
1555	2825	9	Change first word "Bayer" to "Rhône-Poulenc".
1556	2825	11	"attitude is" should be "attitude as".
1557	2825	13	Change "phrase" to "sentence".
1558	2826	9	Change "Your Honors, we note" to "Your Honors will note".
1559	2826	12	Change "being" to "is".
1560	2826	14	"the sponse" should read "they spoke".
1561	2828	12	Change first two words "to which" to "to wit".
1562	2837	9	"for his intentions," should be "for the intentions".
1563	2841	26	Change "very little. What did you understand by this?" to read "very little, and I must in some form bring out what one should understand by this."
1564	2842	2	Change "may I note" to "I may".
1565	2844	17	Change "when tho" to "till tho".
1566	2849	6	"I see" should read "I saw".
1567	2855	13	Place period after "information" (word next to the last of line).
1568	2856	17	Change comma to semi-colon before last word in line.
1569	2860	29	Change "exhibit 41" to "Exhibit 841".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
1570	2863	445	Place comma after "Office". Change "organization of Germans abroad" to "Foreign Organization (Auslands-organization) of the NSDAP."
1571	2863	7	Change "organization of Germans abroad" to "Foreign Organization".
1572	2863	19	Delete "s" of "organizations", last word in line.
1573	2867	2	"dearly" should be "clearly".
1574	2867	9	"analysis" should be "analysts".
1575	2867	22	Insert "necessary" between "feel" and "because".
1576	2868	18	Delete last word of line as repetition.
1577	2869	25	"are not in evidence" should be "are clearly in evidence".
1578	2870	15	Add "before," at end of line.
1579	2871	5	"correct" should be "correctly".
1580	2872	3	Change "10064" to "1064". Delete comma after "also".
1581	2874	13	Delete "I reported him on the situation (not in the German)."
1582	2875	1	Change "German" to "European" (twice).
1583	2875	3	Insert "Economic" between "European" and "Conference".
1584	2877	24	Delete first word of line "there".
1585	2880	29	Delete the word "it,".
1586	2882	8	Change "If I state this, I did it once" to read "If I stated this, I did so".
1587	2882	31	Insert "Dr. Ahlemann," after "friend".
1588	2883	3	Complete answer should be as follows: "A. I never asked anybody to have a duel with me. But I would like to make the remark that I learned later that Dr. Ahlemann wanted me to be asked if that played a role here at all."
1589	2883	17	Insert "and" after "danger".
1590	2884	1	Insert "who" after "military men".
1591	2884	6	Change "but" to "while". Delete "while they".
1592	2884	25	Change first word "being" to "and was".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
1593	2885	2	Change "of the Kapp-Putsch?" to read "of von Kapp in the Kapp Putsch?"
1594	2885	7-8	Change "coup d'etat and Kapp Putsch was combatted" to read "suppression of the Kapp Putsch".
1595	2885	22	Change "and indicted there where he describes" to read "and there he has described".
1596	2885	27	Change comma to period after "it". Start new sentence with "From".
1597	2885	29	Insert "the name of which I cannot now remember," after "function". Place comma after "function".
1598	2885	31	Change "of Economics. Then Herr von der Heyde" to read "of Economics, and with these offices Herr von der Heyde".
1599	2890	1	Insert "not" after first word "must".
1600	2890	9	Delete "which".
1601	2890	30	"is not evidence." should be "as evidence."
1602	2892	33	Delete "to" after "attack".
1603	2893	1	Place "to" at beginning of line.
1604	2895	3	"Sub-Division I," should be "Sub-Division i,".
1605	2900	14	Delete first word of line "regarding".
1606	2901	28	"this is nothing" should be "there is nothing".
1607	2903	22	Insert "is that" after first word "Tribunal".
1608	2903	24	Insert "and are" before "not withdrawn" at end of line.
1609	2905	26	Place comma after "reason".
1610	2905	27	"double taxation" should be "double taxation was not involved,".
1611	2905	31	Change "which this witness could not elicit" to read "in which we did not elicit".
1612	2907	17	"which camouflage" should be "for camouflage".
1613	"	31	"and the occasion" should be "on the occasion".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
1614	2908	1	"of British India" should be "of sales organizations in British India."
1615	2908	11	Change "that is when it appeared." to "then when it was."
1616	2908	14	Change "was" to "were" after "In this".
1617	2908	15	Change "that is my client," to "and among them my client,".
1618	2908	22	Change "work" to "word".
1619	2908	28	Delete "it was" after "because".
1620	2908	29	Change "war caused" to "worsened and war was feared?"
1621	2909	11	Insert "that" after "eventuality".
1622	2909	21-22	Change sentence starting "It would be.." to read as follows: "Figuratively, the comparison would be very appropriate since it was not only a safety measure but some kind of insurance against the risk of war."
1623	2909	27-28	Change "to insure against the threat of war in all kinds of business which took a longer time." to read "to insure, against the threat of war, all kinds of transactions involving considerable time."
1624	2909	31	Delete "was", second word in line.
1625	2910	6	Change "party officers of NSDAP." to read "part of the officers of NSDAP."
1626	2910	8	Change "that is also my client" to "and also my client,".
1627	2910	31	Change "some of the planners for an aggressive war was convinced" to read "anyone who plans an aggressive war is convinced".
1628	2911	21	"than Germany" should be "in Germany".
1629	2911	25	"in great deal" should be "in great detail".
1630	2911	30	Insert "were" after "taken", first word in line.
1631	2912	9	"for Farben" should be "and Farben".
1632	2912	10	Delete first two words "of it".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
1633	2915	12-14	Change from "to have" in line 12 through "German Reich." in line 14 to read as follows: to have these dyestuffs plants get into the influence of enterprises which had nothing to do with I.G. and thus create an extraneous nucleus within the combined German economic sphere of I.G."
1634	2917	24	Change last word "their" to "its".
1635	2924	23	Insert "as an approval" after "construed" and delete same phrase after "committee".
1636	2924	25	Change last word "them" to "it".
1637	2925	6	Place comma after "expedient".
1638	2927	2	Change "to come" to "of coming"
1639	2928	15-16	"to protect it from" should be "for protection from".
1640	2928	21	"for rest," should be "for the rest,".
1641	2931	16	Delete last word "was".
1642	2933	12-13	"customers" should be "customer". Change "a Farbon product" to "Farbon products".
1643	2933	20	Change "camouflaging measures" to "camouflaged".
1644	2933	27	Insert "if" between "ago" and "you know".
1645	2938	31	Change "drafts two weeks after it broke out." to read "drafts about two weeks after the war broke out."
1646	2939	7	Change "of work which was carried out by the VOWI for OKW" to read "of work of the VOWI which was drafted by the Economic Armament Staff of the OKW"
1647	2945	23	Change "may have thought they were" to "they thought were".
1648	2947	24	Insert "as" after "summarize".
1649	2947	26	Place comma after "enterprise".
1650	2948	12	"positions" should be "points".
1651	2948	14	As above.
1652	2949	26	"circles as internationals" should be "circles considered and designated as international".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
1653	2949	27	Change "lie" to "censure".
1654	2950	9	Delete "because" and insert "which one always heard, that" between "words," and "this edifice".
1655	2951	12	Change "client" to "elicit".
1656	2954	16	"and the time before" should be "and that even in the time before".
1657	2954	26	"to establish" should be "was to establish".
1658	2954	30	Complete question begun in this line by "such a possibility for an understanding? Would you say that?"
1659	2954	31	Delete letters "ity". Start new paragraph and answer with "A. I would say that that was one.".
1660	2955	2	Change period to comma after "Ilgnor,". Continue sentence with "to serve".
1661	2955	31	Change "that we have experienced" to "what we all have experienced at". Place period at end of line. Begin new sentence with "Do you" in next line.
1662	2957	13	Insert "the" between "mention" and "idealistic".
1663	2957	31	Change "but I am" to "and I am".

Item No.	Transcript Page	Line (s)	PROPOSED CORRECTION
1664	2963	14	Change "falsehood" to "aforesaid".
1665	2963	22	"comimissal" should be "commission".
1666	2963	29	Insert "that" after "alleging".
1667	2964	11	Change "effect punishable to commit" to read "effect a punishable conspiracy to commit".
1668	2964	25-26	Change the sentence "As resultsthis trial". to read "The Prosecution in the III Trial in a similar way put in this accusation."
1669	2965	3-4	Delete "In the Opinion". Start new sentence with "It says:" in next line.
1670	2967	Title	"GUSTAV KRUEGER" should be "KURT KRUEGER".
1671	2967	7	"1939" should be "1933".
1672	2969	14	Insert "and" after "called".
1673	2969	20	Change period to comma after "Austria". Change "on the Wachau question" to read "talking with him about Wachau".
1674	2970	17-18	Change "to see that if the majority" to read "to see, as the majority".
1675	2970	25	Delete question marks at end of paragraph.
1676	2971	7	Place quotation marks at end of paragraph.
1677	2971	11	Change "hunting with the great." to read "howling with the wolves."
1678	2972	21	Change "that you had" to read "it was".
1679	2972	30	Delete question mark and insert "by mention- ing" after "support", continuing the sentence with "the National".
1680	2972	31	Place question mark after "New-York". Begin new sentence with next word "Was" and change following word "at" to "that".
1681	2973	31	Change "this question" to read "these details"
1682	2974	9	Change "keeping" to "to keep"
1683	2974	10	"rule" should be "role"

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
1684	2976	11-12	Change the part of the sentence "I took the idea to it," to read "I took the idea up -- I could not actually promise it --",
1685	2979	1	Place commas after "abroad" and after "activity".
1686	2979	16	Change "the time which" to "the same time when".
1687	2979	17	Delete "that he".
1688	2981	3	Change "there is nothing to be said" to "there was nothing said".
1689	2981	9-10	Change "that was a principle that if" to "that was the principle. If".
1690	2981	17-18-	Delete sentence "And what were the courses of this corporation?".
1691	2981	23-24	Change from "as the Minister" in line 23 to "asked me" in line 24 to read "and to apply to the Minister of Economics, and give the reasons. From a certain time the Economic Ministry, as the control of the A.O. was in its hands, asked me".
1692	2982	7	"corporation" should be "cooperation".
1693	2982	25	Add "say was" at end of line after "which you".
1694	2984		Correct pagination from "2934" to "2984".
1695	2985	1	Change "would be committed" to "was committed".
1696	2985	13	"it was a policy" should read "this was the policy".
1697	2986	10	Change period to comma after "works".
1698	2986	14-15	Change from "or perhaps it seems a bit" to "this had been put" to read "what made me wonder or perhaps seemed a bit strange to me, and was put".
1699	2986	16	Place "was that" at beginning of line before "when the acquisition".

Item No.	Transcript Page	Line (s)	PROPOSED CORRECTION
1700	2986	25	Change semi-colon to comma after "enterprises".
1701	2991	16	"point M" should be "point 4".
1702	2992	30	Insert "decided for" after "the KA also".
1703	2992	31	Change last part of line starting "the press office ..." to read "the press office was to be under Dr. Brotnor, and where the".
1704	2993	6	Delete last three words "calculated to be".
1705	3010	18	First word of line "present" should be "represent".
1706	3015	16-17-19	"the Nazi" should be "the Nazis".
1707	3016	7	Place quotation marks before "I hate" and after "nations" at end of line.
1708	3016	8-9-10	Change from "the Germans inethis" to "whether the Fatherland" to read "the Germans, how far they go when their loyalty to their Fatherland is demanded without being convinced as to whether the Fatherland".
1709	3022	27	Place quotation marks at end of paragraph.
1710	3023	17	"797" should be "779"
1711	3027	23	Delete " 'to hunt with the hounds' or, as you put it, ".
1712	3029	8	Delete comma at end of line after "reaction".
1713	3029	9	Place comma after "workers".
1714	3031	12	Change "NI-9720 to read "NI-9620".
1715	3036	1	Insert "there" after first word in line "that".
1716	3041	13-14	Between lines 13 and 14, insert the following: <div style="margin-left: 40px;">Mr. SPEECHER: NI-9776.</div> <div style="margin-left: 40px;">THE PRESIDENT: Thank you.</div>
1717	3041	15	Delete "Thank you".
1718	3043	20	Insert "of Bayer abroad" after "representations".

Item No.	Transcript Page	Line (s)	PROPOSED CORRECTION
1719	3043	27	"I was told to list those" should be "I was told to list them."
1720	3043	27-28	Between lines 27 and 28, insert the following: Q. Did you list them? A. Yes, from records.
1721	3043	29	Change "They are included." to read "As far as any payments were made, they are included."
1722	3044	2	Change "in political" to "non-political"
1723	3044	17-18-19	Change lines 17,18,19, to read as follows: A.- There would be left very little. Q.- Excuse me, I did not understand you. A.- There are not very many political payments here.
1724	3048	11	Change "have actually" to "have not actually".
1725	3049	17	Change "and he makes" to "where he makes".
1726	3053	14	"was not quite correct?" should be "is not quite correct?"
1727	3056	12	Delete "in" at end of line after "to be".
1728	3059	8	Delete "which" after "maps".
1729	3059	30	Change "principally" to "the principal"
1730	3061	23	Delete first word in line "for".
1731	3063	7	Add "on the part of" at end of line after "since".
1732	3063	8	Change last two words "had been" to "it was"
1733	3064	9	Change "metal company" to "Metallgesellschaft".
1734	3066	20	First two words "put on" should be "put in".
1735	3072	2-3	Insert "some report" after "other reason" in line 2, and delete it in line 3.
1736	3079	12	"Siegestheim" should be "Schiltigheim".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
1737	3084	5	Correct number of Exhibit is "1235".
1738	3090	9	Place period instead of question mark after "Heroen".
1739	3092 & ff. 13 & ff.		"Coyka" or "Coika" should be "Cejka".
1740	3092	26-28	"Conficencial" should be "confidential"
1741	3092	30	"conficence" should be "confidence"
1742	3095	3-4	Delete "as an agency of Hust".
1743	3095	12	Change "Jetnils" to "details".
1744	3095	22	Last two words "more details." should be "only details."
1745	3096	3 & ff.	"metal plant", "metal works", "metal enter- prise", etc., should all be "Metallgese- lschaft".
1746	3097	26	Change from "in particular" to "the affairs in Norway" to read "in particular urged the representative of the Reich to have the affairs in Norway".
1747	3099	8	Change "should take" to "which was to take"
1748	3099	9	Delete comma and place a dash after "Easter".
1749	3100	12	Insert "the" between "know" and "ratio".
1750	3104	29	Change "under any oath details" to "under oath any details".
1751	3107	1	Delete "now" after "whether".
1752	3111	25	Change "are not being" to "are now being".
1753	3112	15	Change "in a few questions" to "in the questions"
1754	3117	3	Delete "and" at beginning of line.
1755	3124	18	"plans" should be "plants".
1756	3128	2-3	Lines 2 and 3 should read as follows: "that I had to concede to Farben, since they were interested, for another firm to produce that product, but that they should".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
1757	3128	5	Delete "to such a firm".
1758	3128	8	"the mention and figure" should read "you mention a figure".
1759	3128	18	"NI 1095" should be "NI 10595".
1760	5131	24	Place period after "Reich" and begin new sentence with "Industry".
1761	3136	30	Change "up this sense of the list" to read "up the sense of this list".
1762	3138	3	Insert "which" after first two words "all plants".
1763	3138	10	"That was" should be "That is".
1764	3140	7	Place commas after first word "chemical" and after "Four Year Plan".
1765	3140	8	Place comma after "chemistry".
1766	3141	26	"because" should be "became".
1767	3142	15-16	"whoever has" should be "whoever had" in both lines 15 and 16.
1768	3142	17	"whoever knows" should be "whoever know".
1769	3142	18	Place comma and delete dash after "experience" Change "that I had" to read "such as I had".
1770	3142	19	Change period to comma after "other side" and continue sentence with "that person".
1771	3144	1	Change "discussed," to "mentioned" and transfer comma to after "tomorrow".
1772	3148	28-29-30	Lines 28 to 30 should read as follows: At the end of the last paragraph on that page, I want to add after "Our own judgments of foreign states," - I would like to add the phrase "of foreign states", before "were top secret."
1773	3151	14	Change "Vorstand" to "Four Year Plan Office"
1774	3151	32	Delete "as a result of".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
1775	3158	19	First word "inserted" should be "interested".
1776	3162	3	Change "made material available" to "material was made available"
1777	3162	11	Delete "and" at end of line after "broke out,".
1778	3162	16	First two words "it became" should be "it involved".
1779	3163	11	Insert "Exhibit 368, NI-6160," after "in the German.".
1780	3163	32	Place period after "sales combines". Change the rest of the line to read "Moreover, a part of this work was".
1781	3164	1	Change this line to read "requested directly by these sales combines and had something to do with Farben."
1782	3166	6	Delete "in" after "Did you see".
1783	3166	7	"stamp on it" should be "stamp on them".
1784	3173	13	Change "or cumulative, or else our anticipated" to read "or are cumulative, or else are anticipated".
1785	3177	10	"Adolf Haele" should be "Alfred Koehle".
1786	3177	31	Change "to interest themselves very" to "to interest himself".
1787	3178	17 & ff.	"Hoele" should be "Koehle".
1788	3178	18	Change "that can free themselves." to "to free themselves of it."
1789	3180	20	Change "similar to that we" to "similar so that we".
1790	3181	21	Insert "Exhibit 1069" after "NI 9289".
1791	3185	26	Change "the" to "they" before "had only".
1792	3187	3	Delete "and" before "in order".
1793	3187	4	Place period after "book" and begin new sentence with "Since the basic".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
1794	3189	15	Change "regardless of location and those" to "let alone those".
1795	3189	24	Place period after "III-A". Begin new sentence with "Moreover some".
1796	3189	30	Place an "s" at end of "foreigner".
1797	3189	31	Change "of slave labor of such peoples" to read "of such slave labor."
1798	3188	3	Insert "I.G." after "Role of".
1799	3188	30	"because of means" should be "because the means".
1800	3190	7	Change "determined" to "diligent" and "relative" to "narrative".
1801	3190	22	Change line 22 to read "indictment on page 92, that the acts, conduct, plans, and".
1802	3191	6	Delete colon after "states" and add "in effect:"
1803	3191	7	Delete quotation marks at beginning of paragraph.
1804	3191	14	Delete quotation marks at end of paragraph.
1805	3192	3	Change "to Bruer" to read as follows: in the "Distress Project Bruer".
1806	3193	1	Delete "which" after EC 194, ".
1807	3193	8	"has not ordered" should be "has now ordered".
1808	3193	11	Delete comma and insert "is" after "next document".
1809	3195	1	Delete comma and insert "is" after "next document".
1810	3196	12	First word "skip" should be "skipping".
1811	3197	31	"affirmative" should be "affirmation".
1812	3198	5	Delete "it" before "is not an affidavit."
1813	3199	6	"Exhibit 1245" should be "Exhibit 1295".
1814	3201	11	Last word "indes" should be "index".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
1815	3202	18	Delete quotation marks before "it states" and place before "the recruiting".
1816	3202	24	"084 PA" should be 084 PS".
1817	3203	1	Insert "the" after "fulfilment of".
1818	3203	2	Place quotation marks after "businesses".
1819	3203	6	Delete quotation marks at end of paragraph.
1820	3203	11	"capacity" should be "capability".
1821	3203	26	Delete quotation marks before "Report".
1822	3203	28	Delete quotation marks after "Germany".
1823	3203	29	Delete quotation marks before "to Germany".
1824	3203	32	Delete quotation marks after "indignities...".
1825	3204	4	Delete dash and quotation marks before "the inhuman".
1826	3204	8	"are dumped" should be "were dumped".
1827	3204	9	Delete quotation marks at end of paragraph.
1828	3204	14	Place quotation marks after "East".
1829	3204	16	Delete quotation marks after "workers".
1830	3204	17	Delete colon after "that" and quotation marks before "such".
1831	3204	21	Delete quotation marks at end of paragraph.
1832	3204	22-23	Delete "states that: "These extracts". Following word "recount" should be "recounts".
1833	3204	25	Delete quotation marks at end of paragraph.
1834	3204	29	Delete "on" and quotation marks before "to all group".
1835	3205	2	Delete quotation marks at end of paragraph.
1836	3205	20	Delete quotation marks and dash before "of the Chairman".
1837	3205	21	Delete quotation marks after "Frank." and before "this report".
1838	3205	24	Delete quotation marks at end of paragraph.
1839	3205	27	Delete quotation marks before "31 August

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
1840	3205	31	Delete quotation marks at end of paragraph.
1841	3206	2	Change colon to comma after "from minutes" and delete quotation marks before "1 March 1944".
1842	3206	3	Delete quotation marks after "Planning Board" and before "Sauckel".
1843	3206	8	Delete quotation marks at end of paragraph.
1844	3206	18	Delete quotation marks before "National".
1845	3206	26	Delete quotation marks at end of paragraph.
1846	3207	5	Delete "in" before "this document".
1847	3207	13	Place quotation marks at end of line after "the plant".
1848	3207	21	Change "or as the person" to "is the person".
1849	3208	7	Delete quotation marks at end of paragraph.
1850	3208	24	Delete quotation marks before "The instant".
1851	3208	25	Place quotation marks before "foreigners".
1852	3209	11	Place semi-colon after "manpower".
1853	3209	12	Delete semi-colon after "of war".
1854	3210	8&17	Change "HI-1600" to "HI-6100".
1855	3211	23	Change "HI-1600" to "HI-6100".
1856	3212	29	Add "is that" at end of line, after "reconciliation".
1857	3214	21	Change first word "you" to "them".
1858	3215	3	Change "difference" to "division" and "clarification" to "classification".
1859	3216	16	Delete first word of line "that" and change the last one "drafted" to "concentration".
1860	3216	17	Change first word "slave" to "camp".
1861	3216	18	Change "and we have found it." to read "as we have found them".
1862	3217	6	"domination" should be "dominion"
1863	3219	8	Change comma to period after "Defense" and begin new sentence with "If you conclude".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
1864	3219	23	"computation" should be "certification"
1865	3220	21	"through the Schkopau," should be "except Schkopau,".
1866	3229	1	Insert "is" after first word "This".
1867	3230	14	Last word "dismissed" should be "discussed".
1868	3231	4	Correct date: "27 February 1941"
1869	3231	6	Change "Diet" to "guests industry".
1870	3231	8	"2,847 workers" should be "2,847 workers".
1871	3232	12	Delete quotation marks before "suggestion".
1872	3232	13	Delete quotation marks after "participations."
1873	3232	19	"work of Sauckel" should be "work of the Sauckel campaign."
1874	3232	29	Place quotation marks after "ago" and delete quotation marks before and after "Whole agencies were detailed to Ludwigshafen".

ITEM NO.	TRANSCRIPT PAGE	LINE(S)	PROPOSED CORRECTION
1875	3236	18	"and the period" should be "in the period".
1876	3240	9	Insert "here" after first word "confronted".
1877	3241	19	"passage" should be "practice".
1878	3242	6	"an affidavit" should be "this affidavit".
1879	3242	19	Delete "so" after "brought here".
1880	3242	20	Change comma to semi-colon after first word "time".
1881	3245	9	"lawmen" should be "laymen".
1882	3249	25	Delete "why" before "such reduction".
1883	3252	8	"is 105" should be "is page 105".
1884	3254	21	"appointed him" should be "appointed me".
1885	3254	27	Delete quotation marks before "aside".
1886	3256	4	"was not law" should be "was not lawful".
1887	3256	25	"if improper" should be "of improper".
1888	3262	4	Place quotation marks at end of paragraph.
1889	3263	9	"Geonet" should be "Grenot".
1890	3263	10	"Marek" should be "Mareck"; "van Mel" should be "van Mol".
1891	3265	25	Last word "identify" should be "identity".
1892	3265	27	"notice" should be "noticeable".
1893	3267	3	"meeting of Ludwigshafen" should be "of the meeting of the Ludwigshafen".
1894	3267	7	Insert "%" after "2.7".
1895	3267	11	Insert "illegible," after "signature".
1896	3267	22	Insert "here is" before last word "Schnitzler's"

ITEM NO.	TRANSCRIPT PAGE	LINE(S)	PROPOSED CORRECTION
1897	3269	22	Delete "to" after "caused".
1898	3269	26	"that the transfer" should be "at the transfer".
1899	3270	4	"though" should be "through".
1900	3272	20	Correct number is NI-2831.
1901	3272	30	"correct. The observation" should read "correct in the observation".
1902	3273	11	"way importance" should be "war importance".
1903	3273	17	"withhold" should be "hold".
1904	3273	18	"obeyance" should be "abeyance".
1905	3275	3	Delete last word "needed".
1906	3275	25	"affidavit" should be "affidavits".
1907	3281	3	Add comma at end of line after "have".
1908	3281	4	"served" should be "preserved".
1909	3284	5 & 12	Last word in both these lines "marded" should be "marked".
1910	3285	27	"for their ailments" should be "because of their ailments".
1911	3290	25	Insert "and" after first word "factories".
1912	3292	15	Delete one "they".
1913	3292	22	Last word "consisted" should be "consists".
1914	3292	29	"the beginning" should be "that beginning".
1915	3293	6	"NI 1654" should be "NI 6154".
1916	3293	11	Delete quotation marks before "At page".
1917	3294	16	"Besper" should be "Vesper".
1918	3295	14	Place quotation marks before "shortage".
1919	3295	22	Place dash after "service girls".
1920	3295	25 & 26	Place comma and dash after "volunteers". Delete "and the labor service girls" and change remainder of sentence to read "and then Female Croats who come within the forced labor category."

ITEM NO.	TRANSCRIPT PAGE	LINE(S)	PROPOSED CORRECTION
1921	3296	4	Insert "show" after "NI-6125".
1922	3299	5	Insert "and" after "barracks".
1923	3299	6	Insert "of the English" after "page 26".
1924	3299	17	Place quotation marks before "Interruption".
1925	3299	18	"pregnance of femal" should be "pregnancy of female".
1926	3299	19	Place quotation marks after "Kreis."
1927	3299	29	Delete "the" before "Leverkusen".
1928	3302	11	Place quotation marks before "Bruex".
1929	3302	18	Place quotation marks after "Ludwigshafen".
1930	3303	8	Delete quotation marks before "and second" and before "1 June".
1931	3303	12	Delete quotation marks at end of paragraph.
1932	3303	15	Delete quotation marks before "27 July 1943".
1933	3303	17	Delete quotation marks after "work".
1934	3303	18	Delete quotation marks before "concerning" and capitalize first letter of same word.
1935	3303	19	Place quotation marks before "assistance".
1936	3304	30	Delete quotation marks before "the epidemics".
1937	3305	1	Delete quotation marks after "camp" at end of line.
1938	3305	5	Delete quotation marks before "Italian".
1939	3305	7	Delete quotation marks at end of paragraph.
1940	3305	23	Delete quotation marks before "In" at beginning of line.

ITEM NO.	TRANSCRIPT PAGE	LINE(S)	PROPOSED CORRECTION
1941	3305	24	Delete quotation marks after "man,".
1942	3305	26	Delete quotation marks before "Medical".
1943	3305	29	Delete quotation marks at end of paragraph.
1944	3306	2	Delete quotation marks before "Italian".
1945	3306	6	Delete quotation marks at end of paragraph.
1946	3307	8 & 9	"campaign" should be "campaigns".
1947	3307	20	Delete quotation marks and place dash after "physicien" at end of line.
1948	3307	22	Delete quotation marks before "at first".
1949	3307	27	Change "the cost possible" to read "even the possible cost".
1950	3308	3	Delete quotation marks before "5 French".
1951	3308	8	Delete quotation marks at end of paragraph.
1952	3310	15 & 16	Delete as repetition "the recruiting to this matter should be paid to the following:"
1953	3311	7	Insert "Committee" after "Examining".
1954	3312	11	Insert "according" after "division".
1955	3313	4	Delete quotation marks and dash before "drainage".
1956	3313	6	Delete quotation marks after "attention".
1957	3313	9	Delete quotation marks before and after "Then".
1958	3313	10	Delete quotation marks after "conditions" at end of paragraph.
1959	3314	18	Correct date to "31 July 1944".
1960	3315	4	Delete last word "spoeks".
1961	3315	5	Insert "the" after first word "of".
1962	3316	10	"NI-964" should be "NI-8964".

ITEM NO.	TRANSCRIPT PAGE	LINE(S)	PROPOSED CORRECTION
1963	3316	22	Delete quotation marks before "food".
1964	3316	23	Delete quotation marks after "work."
1965	3316	24	Delete comma and insert "that" after "notation".
1966	3317	3	Delete quotation marks before "It is reported".
1967	3317	5	Delete quotation marks after "of men."
1968	3317	9	Delete quotation marks before "In comparison".
1969	3318	12	Delete "of one statement" at end of line.
1970	3318	21	Insert "to" after "statement".
1971	3322	4	Insert "date" before "1 March 1944" after "of the".
1972	3322	18	Delete quotation marks before "Upon advice".
1973	3322	20	Delete quotation marks after "draft,".
1974	3323	11	"260" should be "250".
1975	3324	24	First two words "that may," should be "that may be,".
1976	3324	25	Insert "and" before "it would".
1977	3327	6	Insert "name" after "State your".
1978	3330	1	Place "MR. MCHLIN:" at beginning of line.
1979	3338	7	Insert "or else" after "to be sick".
1980	3339	14	"correct that." should be "correct in that."
1981	3343	22	Delete "In" and start sentence with "The affidavit".
1982	3348	2 & 3	Delete as repetition "that you were ill and, on the other hand,"
1983	3348	20	"and the plant" should be "of the plant".
1984	3350	22	Change "passed a medical examination of" to read "been examined by".

ITEM NO.	TRANSCRIPT PAGE	LINE(S)	PROPOSED CORRECTION
1965	3354	24	Add "Do you remember this name?" after "Schaffhaeuser?"
1966	3360	4	Insert "to the entrance next to" after first word "got".
1967	3365	25	"correct" should be "correctly".
1968	3366	10	"recalled" should be "called".
1969	3366	15	"misunderstanding" should be "misunderstanding of language."
1990	3366	16	"Police de l'usine?" should be "Police de l'usine in the affidavit?"
1991	3366	20 & 23	"factory police" in both these lines should be "factory guard."
1992	3368	7	First word "were" should be "wore".
1993	3368	18	"cised" should be "visored".
1994	3372	16	"we did not even have" should be "we had not even had".
1995	3372	22	"rigor" should be "vigor".
1996	3372	29	"several of the, " should be "several of them,".
1997	3373	18	Place quotation marks around "Cloche a Gaz." ("Gaze" should be spelled "Gaz").
1998	3374	2	Place quotation marks around "Cloche a Gaz." (Again "Gaze" should be spelled "Gaz").
1999	3374	25	Delete "because".
2000	3374	26 & 27	Delete "we asked them who did it, and they told us".
2001	3375	1	Second word "of" should be "or".
2002	3375	3 & 4	Change "on the punishment detail." to read "for penal work."
2003	3376	21	"scop" should be "scope".
2004	3376	23	"witnesses" should be "witness' ".
2005	3377	28	"give us" should be "give me".

ITEM NO.	TRANSCRIPT PAGE	LINE(S)	PROPOSED CORRECTION
2006	3377	30	Change "the entrance to your camp No.5," to read "opposite to your camp No. 5."
2007	3378	30	"Yes, I have." should be "Yes, I did."
2008	3379	1	Change "Thirty yards, forty yards;" to read "Thirty meters, forty meters;"
2009	3381	18	"trenchs" should be "trenches".
2010	3381	21	Insert "them" after "through".
2011	3381	25	Insert "in the cokery," after "shelter" in the middle of the line.
2012	3382	18	"near the factory?" should be "in the cokery?"
2013	3384	14	Change "said? Was it directly" to read "said, that it was directly".
2014	3384	18	"with which we cooked" should be "which was cooked".
2015	3386	7	Change "water supply," to read "water pipe that also supplied the camp,"
2016	3386	32	Change last three words "other prisoners of" to "French civilian workers".
2017	3387	1	Delete first two words "other nationalities".
2018	3389	33	"is any Cost" should be "at any Cost".
2019	3391	14	"In recommend said" should be "In recommending the said".
2020	3391	30	Delete as repetition "book, there is no document which is supporting this".
2021	3393	10	"11181 to" should be "11781 do".
2022	3393	11	"NI-11181" should be "NI-11781".
2023	3393	30	Change comma to semi-colon after "index" at end of line.
2024	3394	3	"thing" should be "think".
2025	3394	9	Place "that" at end of line after "has".

ITEM NO.	TRANSCRIPT PAGE	LINE(S)	PROPOSED CORRECTION
2026	3395	8	"quiteable" should be "equitable".
2027	3397	6	Insert "tomorrow" after "witnesses".
2028	3402	29	"inmates with the " should be "inmates within the".
2029	3403	16	"a number" should be "the number".
2030	3404	1	Insert "of this affidavit; and I ask for the opportunity" after "the admissibility".
2031	3407	23	Delete "s" in "documents".
2032	3408	12	"Camp V" should be "Camp 4".
2033	3409	5	"7" at beginning of line should be "72".
2034	3409	10	"Camp 5" should be "Camp 4".
2035	3409	16	"Tribunals" should be "Tribunal".
2036	3409	17	"that we will" should be "and then we will".
2037	3412	22	Insert "1433" after "1432".
2038	3414	6	Insert "and" before "the" at end of line.
2039	3414	10	Last word "was" should be "as".
2040	3414	27	"out books" should be "our books".
2041	3416	19	Delete "to" before "these" at end of line.
2042	3417	8	Change semi-colon to comma after first word "inmates".
2043	3418	2	"of" before last word in line should be "or".
2044	3418	3	Place "and" before "either one" at beginning of line.
2045	3420	6 & 7	Change period to comma after "Lagerbestreuung," and change following sentence beginning with "As" to read as follows: which even when the Prosecution maintained that both words were used, they themselves translated as "camp care".
2046	3420	13	First word "can" should be "cannot".

ITEM NO.	TRANSCRIPT PAGE	LINE(S)	PROPOSED CORRECTION
2047	3420	24	Delete first word "thet".
2048	3421	21	"evacuation" should be "excavation".
2049	3422	7	Last word "typhus" should be "typhoid cases".
2050	3425	19	Insert "thet the Prague gentlemen" after first two words "Prague gentlemen," and before "on their own initiative,".
2051	3426	16	Change "Carl" to Kahl".
2052	3427	19	"looking" should be "locking".
2053	3432	11	"to bring out" should be "to make certain".
2054	3439	5	Insert "of the" before "Montan" at end of line.
2055	3439	29	"This Sparte" should be "This field of the I.G.".
2056	3440	15	Change period to comma after "detail" and add after it "because I do not know what works are meant.".
2057	3443	28 & 29	Change this answer to read "The rate of interest was determined by the discount rate of the Reichsbank at the time."
2058	3445	15	"from the Reich to the firm" should read "from the Reich, the Armament Department, directly to the firm".
2059	3445	20	"included, or as" should be "included on a parallel basis, or as".
2060	3445	23	"superiors" should be "superior".
2061	3445	32	"e year 1943." should be "the year 1943."
2062	3446	21	"safeguard" should be "safeguarded".
2063	3446	31	"very long this line," should be "very long along this line,".
2064	3447	10	"created an impression would" should read "creates an impression which would".

ITEM NO.	TRANSCRIPT PAGE	LINE(S)	PROPOSED CORRECTION
2065	3447	12	Insert "has" after "witness".
2066	3455	22	Change "122" to "119".
2067	3458	7 & 9	Last two words "list persons" in both lines should be "list of persons".
2068	3460	22	"suffidicne" should be "sufficient".
2069	3463	10	"inmate affidavits," should be "inmates' affidavits,".
2070	3465	6	"clod" should be "cold".
2071	3466	16	"five hundred" should be "one hundred fifty".
2072	3469	14	"Mr. Reied" should be "Mr. Fried".
2073	3472	18	Change "Tribunal" to "proceeding".
2074	3473	15	Change entire line beginning with "connec- tion" to read "connection with the Com- mission or the order under which it will operate are incomplete."
2075	3474	3	Last two words "add vouching" should be "and vouching".
2076	3475	5	"circumstances" should be "circumstance".
2077	3477	3	"Then ask your" should be "Then I will ask your".
2078	3482	5	Change period to comma after "No. 7" and continue the sentence with "the express".
2079	3482	10	"extend" should be "extent".
2080	3483	14	"I meant to say" should be "I mean to say".
2081	3483	16	"to work out" should be "to work it out".
2082	3483	22	Change comma to semi-colon after "NI- 6667 " at end of line.
2083	3483	23	Change comma to semi-colon after "NI-4972 ".
2084	3483	29	"in this announcement" should be "of this announcement".
2085	3484	8	"syayed" should be "stated".
2086	3484	23	Start a new Paragraph with "I am" after "objection."

ITEM NO.	TRANSCRIPT PAGE	LINE(S)	PROPOSED CORRECTION
2087	3484	27 & 28	Delete as repetition all of line 27 and first three words "reserve the right" in line 28.
2088	3485	13	Insert "some" after "offered".
2089	3485	14	Insert "early" after "point".
2090	3485	18	Place comma after "further,".
2091	3485	19	Place comma after "was made,".
2092	3487	4	Change first two words "No. II." to read "to Book No. 11."
2093	3487	24	Place period after "time-saver."
2094	3488	8	First two words "we did" should be "we will". Insert "all" after "counsel".
2095	3488	9	Delete "save" before last word "of".
2096	3489	16	"Pohl" should be "sole".
2097	3490	16 - 21	Change entire paragraph to read "Your Honors, I beg you to allow me to make a short statement. I would like to testify in my native Czech language. Because of the difficulties which the interpreters will have, who are not familiar with all the different technical expressions to translate them from Czech into the English language, I have decided to abandon this decision of mine, and, for these technical reasons, to testify in German."
2098	3491	11	"in fron" should be "in front".
2099	3502	5	Change "sixteen" to "ten".
2100	3503	24	"dimers" should be "division".
2101	3504	4	"Dr. Bosch" should be "Dr. Basch".
2102	3504	21	Insert "paid" after "amount".
2103	3504	22	Change "This fact was only became known after" to read "This fact only became known to you after".

ITEM NO.	TRANSCRIPT PAGE	LINE(S)	PROPOSED CORRECTION
2104	3507	1	Change "No" to "yes".
2105	3509	4	Delete last word "still".
2106	3510	5	"in this cause" should be "in this case".
2107	3511	16	Insert "not" after "was it" before "in 1938".
2108	3511	17	Delete second word "not".
2109	3511	19	Change entire line to read "(cooper)- ation they had placed a lot of Farben experiences in these two plants?"
2110	3513	15	Change "should not be considered as sold?" to read "was not to be consider- ed covered by the sale?"
2111	3513	26	Change "and therefore that we demanded recognition" to read "and therefore we demanded quasi recognition".
2112	3514	10	"shipped" should be "cheap".
2113	3517	13	Insert "was" before last word "all".
2114	3517	23	Changed "sold to the present" to read "deposited in the present".
2115	3519		Change Pagination "3619" to "3519".
2116	3519	6	"has to be sold." should be "had to be sold."
2117	3519	9	Place commas before and after "that is,".
2118	3519	22	Place comma after "negotiations" at end of line.
2119	3519	23	Place comma after "that is".
2120	3520	8	First word "That" should be "It".
2121	3520	25	"I.G." marks the end of the question. Place ". A. No, it was never operated--" as the answer of the witness between lines 25 and 26.
2122	3521	10	"Lueller" should be "Mueller".

ITEM NO.	TRANSCRIPT PAGE	LINE(S)	PROPOSED CORRECTION
2123	3522	13	"residing" should be "resigning".
2124	3522	27	Delete "were" after "in the bank,".
2125	3536	30	"what the contents" should be "that the contents".
2126	3537	2	Change entire line to read "socialist system obviously."
2127	3544	26	"52" should be "56".
2128	3546	6	Change "there 400 to 420 were in one" to read "there were 400 to 420 in one".
2129	3546	28	Change "defense. You're" to read "defense when you're".
2130	3548	25	First word "proceed" should be "precede".
2131	3550	12	Last word "published" should be "delivered".
2132	3550	32	Delete last two words "in the".
2133	3551	13	Place dash after last word "quantities."
2134	3554	12 & 13	Lines 12 and 13 should read "A. Farben had signed in Hall 820; in the firm of Burbank, Burbank had signed; and in the paint shop Farben had signed; also Farben in the shoemaker's shop."
2135	3566	8	"and this bulletin was made" should read "when this bulletin came out".
2136	3567	2	Last three words "in one block" should be "is one block".
2137	3567	12	Delete last word of line "was".
2138	3569	28	Place comma after "Kommiss".
2139	3570	7	"carrying on" should be "carrying in".
2140	3570	9	"carried on" should be "carried in".
2141	3575	24	Insert "but" after "I don't know".
2142	3576	1	"ill" should be "will".
2143	3581	7	Change "Q" to "A". ("Who in Germany--", etc., is the reply from the witness.).

ITEM NO.	TRANSCRIPT PAGE	LINE(S)	PROPOSED CORRECTION
2144	3582	15 & 16	Between lines 15 and 16, insert the following: THE PRESIDENT: Is this man mentioned in the affidavit? DR. DRISCHEL: Yes, Your Honor. He is mentioned under point 4. The witness says there: "I obtained this information from prisoners who were employed in the orderly room at Monowitz and who had to be correctly informed about those things, as for instance, Stefan Hymann."
2145	3583	28	Last word "participate" should be "participated".
2146	3585	15	"I am playing the piano," should be "I play the piano,".
2147	3590	12	First word "forty" should be "sixty".
2148	3594	2	Place "war" after "when the" at end of line.
2149	3594	18	"of their long time" should be "of the long time".
2150	3594	23	Delete "Do you know that?" (entire line).
2151	3605	6	"in the case" should be "in that case".
2152	3608	24	Insert "as" after "instructions".
2153	3615	27	"reply" should be "rely".
2154	3616	23	Last word "but" should be "by".
2155	3626	13	Last word "sides" should be "sites".
2156	3630	11 & 12	Change "so they would be gassed." to read "would be gassed."
2157	3631	19	"in such a barracks," should be "in such full barracks,".
2158	3631	29	"51 were living" should be "51 were for living".

ITEM NO.	TRANSCRIPT PAGE	LINE(S)	PROPOSED CORRECTION
2159	3635	8	"and to the cases" should be "and for the cases".
2160	3651	14	"capos" should be "kapos".
2161	3651	30	Add "who" at end of line after "prisoners".
2162	3651	31	"these prisoners" should be "these were prisoners".
2163	3654	27	Place dash after "proceedings" at end of line.
2164	3657	30 & 31	"was un conspicuous" should be "is conspicuous".
2165	3665 & 3666	32 1	After Line 32, of Page 3665, and before Line 1, of Page 3666, insert the following: Q. I would like to know from you, Witness, whether you were arrested because you belonged to a certain party? A. I belonged to no Party. Q. And also today you belong to no Party?
2166	3667	6	Last three words "there not a" should be "there was not a".
2167	3667	7	Delete "was" after "prisoner".
2168	3668	33	First word "barracks," should be changed to "barracks parts,".
2169	3668	1	Change "trucks" to "stones".
2170	3675	32	Delete period and insert "the cards which each senior inmate kept of his people," after "the camp".
2171	3683	13	Last word "then" should be "that".
2172	3687	20	Insert "across" after "to get it".
2173	3689	31	Last three words "that was there." should be "that were there."

ITEM NO.	TRANSCRIPT PAGE	LINE(S)	PROPOSED CORRECTION
2174	3692	29	"were in September" should be "were used in September".
2175	3695	12	Change "was either hushed (?)" to read "was pushed farther on".
2176	3701	16	Delete "Schwerin Oberlandespraesident in".
		17	Insert "Schwerin Oberlandespraesident," after "present".
2177	3702	2 & 3	"eldest" should be "eldests". in both lines.
2178	3705	25 & 26	Insert "which" before "by reason". Delete "in which" after "they had".
2179	3706	2	Place semi-colon after "about that".
2180	3707	32	Change last three words "Kapo and foremen" to "inmates."
2181	3713	11	"many cases were" should be "many cases where".
2182	3715	7	"as I.G. buildings." should be "as an I. G. building."
2183	3717	1	Last word "the" should be "that"
2184	3718	22	Add "for this afternoon." after "Mr. Rausch".
2185	3721	7	Place quotation marks before "because".
2186	3724	7	Insert "to" before last word "the".
2187	3724	10	Change "issued and I said" to read: "assured" and I added
2188	3724	12	Delete quotation marks after "of war".
2189	3724	18	"and as stated" should be "and not as stated". Place comma after "translation".
2190	3725	29	Change "private business" to "these authorities".
2191	3726	7	"1943" should be "1942".
2192	3726	25	Change "that officials, neither in meetings" to read "that neither in official meetings"

ITEM NO.	TRANSCRIPT PAGE	LINE(S)	PROPOSED CORRECTION
2193	3726	28	Delete first word "perhaps". Place comma after "If at all,".
2194	3727	2	Change "overlooked" to read "set aside".
2195	3727	4	Change entire line to read "opinion that it was inadmissible, that we could not do this,".
2196	3728	4	"question" should be "questions".
2197	3728	14	"customary from" should be "customary form".
2198	3728	26	Change entire line to read "from Germany, this application is valid at the same time as an".
2199	3728	27	Delete "the" before allocation" and add "as" at end of line.
2200	3728	28	Change "of the business management to permit" to read "for the granting of employment approval for".
2201	3728	31	"this affidavit" should be "your affidavit".
2202	3728	32	Change entire line to read "emerge as though basically private firms were the ones who".
2203	3729	1	Delete "true" after "reasons".
2204	3729	5	Change "Mr. SPRECHER:" to "Mr. VAN STREET:"
2205	3730	2	"voluntarily" should be "involuntarily".
2206	3730	17	Insert "which" after first word "character".
2207	3730	22	Insert "this" after "directly on".
2208	3732	2	Place period and insert "It is also" after "itself".
2209	3732	5	Insert "the" after first word "that".
2210	3732	12	"estimates that" should be "estimates

ITEM NO.	TRANSCRIPT PAGE	LINE(S)	PROPOSED CORRECTION
2211	3732	32	Place comma after "affidavit" and change "that we" to "but I".
2212	3733	11	Change "I am convinced, this was also done in the Flick trial," to read "I am convinced, - and this also happened in the Flick trial,-"
2213	3733	25	Insert after "Military Internees?" the following: "Shall I repeat the question once more or isn't it necessary?"
2214	3734	4	"that the position" should be "to improve the position".
2215	3734	5	Delete "was tried to be improved".
2216	3734	11	"their legal position" should be "or the legal position".
2217	3735	27	"that they were" should be "whether they were".
2218	3736	12	Change period to comma after "year".
2219	3736	15	Delete "and" after "tension".
2220	3736	16	Delete "this obligation".
2221	3736	19	Change period to comma after "brought in" and continue the sentence with "for which Polish workers were thought-".
2222	3737	31	Insert "whence" after "Moravia".
2223	3738	26	First word "What" should be "Would".
2224	3739	20	Delete "with" at end of line.
2225	3739	21	Change entire line to read "whether or not he could not, by lack of initiative, refuse to go into certain kinds".
2226	3739	22	Change period to comma and place dash after "ordered". Next word "All" should be "all".
2227	3740	6	Place period after "carried out" and start new sentence with "With".

ITEM NO.	TRANSCRIPT PAGE	LINE(S)	PROPOSED CORRECTION
2228	3740	26	Insert "have" after "could never".
2229	3745	32	"exported" should be "exploited".
2230	3746	17	Insert "it" before "is necessary".
2231	3747	4	"#6190" should be "NI-6190".
2232	3749	28	"after had" should be "after he".
2233	3750	2	"act" should be "fact".
2234	3753	12	Insert "book" after "document".
2235	3758	20	Second word "the" should be "these". Place comma after "Birkenau".
2236	3759	10	Insert "to" before last word "thet".
2237	3762	2	Place period after "explaih." Following words "every inmate" should be "First, every inmate".
2238	3762	20	"say" should be "saw".
2239	3763	24	"such as glasses," should be "such as artificial limbs and glasses,".
2240	3763	26	Delete "these things".
2241	3763	27	Insert "took away with them" before "their glasses", and place period after "limbs" at end of line.
2242	3763	28	Delete "were always kept."
2243	3765	5	Delete second word "only."
2244	3767	11	Insert "Camp" after "Concentration".

Item No.	Transcript Page	Line(s)	Proposed Correction
2245	3773	6	Insert "rest" after "so-called".
2246	3783	17	Change last word "rarely" to "sometimes".
2247	3785	5	Change "in Monowitz," to read "on that day,".
2248	3787	8	Delete "what I know," at beginning of line.
2249	3787	10	"By" should be "From".
2250	3787	12	Place comma after "but" and insert "Your Honor," before "if the witness".
2251	3787	20	Change "about a tram over levers," to read "over drums, with trams, lever works, work shafts,".
2252	3787	28	"is done" should be "was done".
2253	3787	33	"to push it" should be "to push them".
2254	3789	4	"by I.G." should be "from I.G."
2255	3790	7	Place period after "out." at end of line.
2256	3790	8	Delete "by the collaboration."
2257	3790	16	"being used" should be "is used".
2258	3790	17	Change "observations" to "exceptions".
2259	3790	18	First word "made" should be "make".
2260	3790	20	"or are" should be "which are".
2261	3791	5	"terms." should be "term."
2262	3791	30	Change "On the other hand," to "Further,". Also change last word "permanently" to "constantly".
2263	3792	7	Place comma after "crowded" and change following word "and" to "but".
2264	3793	4	Change first word "charts" to "reports". Also change "other hand" to "other side".
2265	3794	25	"have sent" should be "have sent away".
2266	3796	6	Change "which I shall not" to read "if I now".

Item No.	Transcript Page	Line(s)	Proposed Correction
2267	3798	13	"obtain" should be "send".
2268	3801	29	Change "more simple" to "greater".
2269	3802	18	Insert "have the possibility to" after "could you".
2270	3806	2	Delete question mark and insert "if they" after "inmates" at end of line.
2271	3806	3	First four words "At first they gave" should read "at first gave".
2272	3806	24	"it is" should be "which is".
2273	3806	28	"obedisques" should be "obelisks".
2274	3807	3	Change comma to period after "finished" and delete "yes".
2275	3808	17	Insert "with it" after "reported".
2276	3816	15	Place closing parenthesis after "indicating" at end of line.
2277	3817	19	"say" should be "saw".
2278	3818	3	"when it was" should be "that it was".
2279	3818	9	Insert "the" after second word "for".
2280	3818	22	"you" should be "who" before "committed".
2281	3819	19	Delete "in" after "also see".
2282	3819	21, 22 & 23	Change lines 21, 22 and 23 to read: "MR. HINSKOFF: The Prosecution moves at this time to strike the description of the pictures out of the record. The description of the record is not evidence. It's merely description. We think a circumstance is being put as evidence before the Court here which"
2283	3820	10	Change "concerning the authors" to read "and the names of the authors".
2284	3823	11	"or answer the" should be "or his answer to the".
2285	3823	21	"But they have" should be "but they had".
2286	3827	30	"1467" should be "1472".
2287	3833	10	Delete "time".

Item No.	Transcript Page	Line(s)	Proposed Correction
2268	3833	11	Last two words "for piece" should be "to piece".
2269	3833	12	First word "time" should be "work".
2280	3833	20	"in the best" should be "for the best". Last two words "but some" should be "and some".
2291	3835	12	"feel" should be "fell".
2292	3836	13	"isn't it?" should be "wouldn't it?".
2293	3836	30	"certainly is" should be "certainly was".
2294	3836	31	"is it?" should be "was it?"
2295	3838	8	"told me" should be "told us".
2296	3839	13	Change "Yes" to read "That I would question." Continue with "Do you", etc.
2297	3839	32	Add "necessary?" at end of line after "noise is".
2298	3842	10	Insert dash after last word "question" and before period.
2299	3842	30	"A bus man" should be "A desk man".
2300	3842	31	Change "for anything," to "for a firm,".
2301	3844	8	"can't" should be "couldn't".
2302	3846	28/29	Between lines 28 and 29, insert the following: Q. In the Lager, were also two English physicians who had the care of the English prisoners-of-war, weren't there? A. Yes.
2303	3847	31	Change "Kessels" to "boilers".
2304	3848	6	"dessels" should be "boilers".
2305	3848	25	"Haeplingey" should be "Haeftlinge".
2306	3848	26	Change "All of them." to read "Of all nations."
2307	3849	4	"had no clothes properly" should be "had no proper clothes."
2308	3850	5	Delete "a" before "Haeftlinge".
2309	3851	23	"can't" should be "couldn't".

Item No.	Transcript Page	Line(s)	Proposed Correction
2310	3856	21	"not cross examine" should be "not be cross examined".
2311	3860	5-6	Delete as repetition "and he sent me to the workshop and there I knew my work,"
2312	3862	18	Change "sustained" to "overruled".
2313	3866	2	Change "we were worked less hard" to read: "since we worked there, were less hard".
2314	3866	32	Insert "thousand" after "hundred-fifty".
2315	3869	5	"had political Kapos" should be "had a political Kapo".
2316	3870	6	Last two words "I had" should be "It has".
2317	3870	15	Change first word "impressive" to "impermisable".
2318	3871	18	First word "say" should be "saw".
2319	3872	3	Insert "except" after "them".
2320	3872	12	Last word "carefully" should be "careful".
2321	3874	5 & 16	"Theifer" should be "Pfeffer".
2322	3875	2	"they were" should be "it was".
2323	3876	24	"an issue" should be "no issue".
2324	3880	15	Second word "transcript," should be "document books,".
2325	3883	11	Insert "of the document" after "page 2".
2326	3883	15	"1401" should be "1501".
2327	3885	17	Place quotation marks at end of line after "speeded up."
2328	3885	18	Place "Under point 4:" and quotation marks before first word "additional".
2329	3885	19	"NI-109403" should be "NI-10948".
2330	3886	5	"Exhibit 1411" should be "Exhibit 1511".
2331	3892	15	Delete "The" and begin the next sentence with the following word "lost".
2332	3893	28	Change second word "then" to "that".
2333	3897	24	Delete "red" before "copy of a letter."

Item No.	Transcript Page	Line(s)	Proposed Correction
2334	3898	31	Place quotation marks before "His superior".
2335	3901	15	"with to" at end of line should be "wish to".
2336	3902	2	Change "Dr. DRISCHEL:" to "Dr. DIX:".
2337	3902	15	Delete "there was".
2338	3902	16	Change "it should be adequate" to "was adequate".
2339	3902	30	Change "DR. DRISCHEL:" to "DR. DIX:".
2340	3903	2	As above.
2341	3903	10	As above.
2342	3909	14	Change "provided by" to "sub-ordinate to".
2343	3909	15	"by Dr. Frick" should be "to Dr. Frick".
2344	3910	11 to 14	Change lines 11, 12 and 13 to "of Jews;" in line 14, to read as follows: "A. I never asked him. We had discussed that methanol several times among us, and there were present various employees of the methanol plants and of the glass store. Mr. Kalms never made any secret of the fact that this methanol was to serve for the burning of Jews;".
2345	3911	10 & 11	Lines 10 and 11 should read as follows: "A. These quantities were not the only ones delivered; I only saw a single bill, for 50 thousand liters of methanol, which in".
2346	3911	15	Change entire line to read as follows: "A. I have said already that this was something about which the foremen Kalms and Kriss and Dr. Reichhardt, who was in the".
2347	3911	16	Insert "discussed" after "frequently".
2348	3911	31	"no" should be "not".
2349	3912	3	Change "when the sun rose," to read "when it was still dark,".
2350	3913	6	Change "he was a bit interested in the work I made." to read "he had a certain interest in the work I did."

Item No.	Transcript Page	Line(s)	Proposed Correction
2351	3913	9	Change "I.G." to read "Aldol". Delete "bit" after "organization".
2352	3913	13	Insert "in France" after "advance".
2353	3913	15	Place dash after "statement" and before "I mention".
2354	3913	17	Insert "the" after "Isn't it".
2355	3913	20	Delete "had", fourth word in line.
2356	3914	12	Change "five minutes which the conversation" to read "five minutes in which I had the conversation".
2357	3914	14	"fron" should be "front", "mimuted" should be "minutes", and last word "somebody" should be "anybody".
2358	3914	21	"because you say that transports" should be "as you say that when transports".
2359	3914	23	Delete "that" after "affidavit".
2360	3914	25	Delete "heard them and".
2361	3915	6	Place "The objection is sustained." after "THE PRESIDENT:". Change "Then ask him" to "Ask him".
2362	3915	12	Change entire line to read "mo failed to return and we saw no one anymore who was transferred to Birkemau and".
2363	3915	20	"lod" should be "lead".
2364	3915	22	Change "Montpellier" to "Krist".
2365	3916	30	Delete "that" at end of line.
2366	3918	21/22/23	Delete all three lines as repetition.
2367	3918	29	"car" should be "card".
2368	3919	5	"what was almost" should be "who was almost".
2369	3922	32	"run" should be "ran".
2370	3923	16	"those workers of that lager" should be "the workers of these lager".
2371	3930	11	"which were filtering beds" should be "for the filtering basins".
2372	3933	3	Change last three words "know it was" to "know that".
2373	3933	4	Change period to comma after "Campbell" and delete following word "He".
2374	3939	4	Change "but yes" to "herein".

Item No.	Transcript Page	Line(s)	Proposed Correction
2375	3942	4	"and" should be "to".
2376	3944	27	Place period after second word "German".
2377	3948	27	First word "it" should be "them".
2378	3953	13	"NI-10928" should be "NI-10927".
2379	3954	23	"18807" should be "9807".
2380	3955	21	First word "Here" should be "More".
2381	3966	18	Insert "that" after "to see" before last word "the".
2382	3969	12	"commandt" should be "commandant".
2383	3974	27	Place comma after "six o'clock".
2384	3975	15	Insert "then" after "that".
2385	3982	14	"don't" should be "didn't".
2386	3983	5	Delete "and" after "pulled out".
2387	3983	22	Place period after "Objection" and delete "sustained".
2388	3983	22/23	Between lines 22 and 23 insert "THE PRESIDENT: Objection sustained."
2389	3984	7	Add "and" at end of line after "listed".
2390	3987	17	"Out Patient War." should be "Out Patient Ward."
2391	3989	3	Delete "to him" after "recommended".
2392	3993	18	Insert "in" after first two words "be seen".
2393	3994	25	"One through" should be "In one through". Change last two words "and the" to "and in the".
2394	3994	26	Delete last part of line "That is, it never had an".
2395	3994	27	Change entire line to read "In the latter, they were appointed as administrators, that is, they had".
2396	3995	17	Delete "of" after "call".
2397	3995	30	Delete comma after "I believe" and place comma after "it was".
2398	3996	3	Insert "on" after "which is".
2399	3996	4	"of Bueteifisch" should be "to Bueteifisch".

Item No.	Transcript Page	Line(s)	Proposed Correction
2400	3996	6	Change last three words "to be purchased" to read "to have it purchased".
2401	3996	13	Insert "of the index" after "page 10" at end of line.
2402	3996	16	Change "who writes" to "writing".
2403	3997	2	"NI-1035" should be "NI-10535".
2404	3997	16	"of the act" should be "of the part". Last three words "or the Farben" should be "and the Farben".
2405	3997	17	"procures" should be "procured".
2406	3997	18	"in another one" should be "in any one".
2407	3997	21	First word "ot" should be "of".
2408	3997	30	Insert "from" before "which I".
2409	3997	31	Change "one, because it shows" to read "only some, because they show".
2410	3997	32	Change comma to semi-colon after "meetings".
2411	3998	13	Insert "who" after "any jurist".
2412	3998	17	Delete "but what there would be any question". In the following part "what crime" should be "that crime".
2413	3998	22	"pormitted" should be "permits".
2414	3998	23	Change "from the subsidiary company which" to simply "from which".
2415	3998	32	Change "sponsored" to "responsible".
2416	3999	9	Insert "Farben" before last two words "would use".
2417	3999	13	Insert "with ownership by Farben as to" before "some a hundred percent".
2418	3999	14	After first word "percent" insert "a thing which I think the documents have shown already amply, as in the Fuels plant." Start new sentence with "But it". Delete last word of line "with".
2419	3999	15	Change first two words "respect to" to read "is allowed to cover up". Delete commas and "I think" at end of line.
2420	3999	16	Delete entire line.
2421	3999	17	Delete "indeed".

Item No.	Transcript Page	Line(s)	Proposed Correction
2422	3999	18	Insert "in the modern world" after "indeed".
2423	4004	7	Change "making" to "offering".
2424	4004	13	Add "not" at end of line after "has".
2425	4005	16	Delete "that is submitted".
2426	4007	12/13	Between lines 12 and 13, insert "Prosecution Exhibit 1541 for identification. NI-10524 is offered as".
2427	4008	27	Delete "except" before "because".
2428	4009	31	"in throwing" should be "is throwing".
2429	4010	3	"was to have" should be "does not have".
2430	4011	10	First word "in" should be "and".
2431	4012	27	Insert "and" before "have it available".
2432	4013	30	Insert "an order" after "to make".
2433	4015	19	"and on which" should be "and which".
2434	4016	1	Last two words "The affidavits" should read "As to the affidavits".
2435	4016	5	"Hoehlr" should be "Hoehle".
2436	4018	14	"a reference of" should be "a reference for".
2437	4024	5	Delete semi-colon and place dash after "we might".
2438	4027	16	Place comma and delete "at" after "Office".
2439	4027	17	Place quotation marks before "Feldwirtschaftsamt" and place comma after same word.
2440	4027	26	"and it is" should be "and they are".
2441	4028	13	"937" should be "936".
2442	4028	16	Insert "that" before last word "the".
2443	4029	2	Change comma to period after "Book 2".
2444	4029	3	Change period to comma after "book 31" and delete next word "It".
2445	4031	15	"is a private" should be "was a private".

Item No.	Transcript Page	Line(s)	Proposed Correction
2446	4031	17	"misunderstand" should be "misunderstanding".
2447	4033	4	Place "Dr. GIERLICH:" before "Your Honora," at beginning of line.
2448	4033	4/5	"A. I still" at end of line 4, belong at beginning of line 5. (This is the reply of the witness.)
2449	4033	7	Place "Q." at beginning of line, before "Colonel".
2450	4038	6	Insert "was shown, a narrow street" after "Auschwitz". Delete "so it said,". Change comma to period at end of line.
2451	4038	7	Delete "a narrow street."
2452	4039	13	Place comma after "sketches" and again after "that is".
2453	4039	21	"knot" should be "noted".
2454	4040	9	Change "after I had introduced" to "I had already introduced".
2455	4041	2	First word "re" should be "rea".
2456	4041	3	Second word "helo" should be "will".
2457	4041	16	"mokery" should be "mockery". "at mitigation" should be "of mitigation".
2458	4041	27	Change "have involved concern" to read "were founded which were concerned with". Insert "over" before last word "practically".
2459	4042	2	Delete "the" before "Soviet" and place comma after "Russia".
2460	4042	5	Delete last word of line "same".
2461	4042	7	"monomly" should be "monopoly".
2462	4042	13	"these had been" should be "this had been".
2463	4042	27	Change "is referring to that." to "refers to this."
2464	4043	1	Insert "charters" after first word "corporation".
2465	4043	3	"or Economics." should be "of Economics."
2466	4043	11	"NI-4040" should be "NI-440".
2467	4043	21	Change "There's a" to read "Here we have a".

Item No.	Transcript Page	Line(s)	Proposed Correction
2468	4043	22	Change entire line to read "will remember the preceding decrees, you will note that".
2469	4043	23	Delete first and third words "and" and "later".
2470	4043	24	Place comma after "Russia" and change last two words "and reduced" to read "such as reducing".
2471	4043	25	Insert "state" after "raw material".
2472	4043	26	Change entire line to read "to another and I call your attention at this time, your Honors, to the fact that the".
2473	4043	27	Last two words "that purpose" should be "this purpose".
2474	4044	6	Insert "the" after "first being".
2475	4044	10	Delete last two words "to the".
2476	4044	11	Delete entire line as repetition.
2477	4044	18	"Mr. Prosecution," should be "Mr. Prosecutor,".
2478	4044	28	"4970" should be "NI-4970".
2479	4044	29	Insert "Exhibit" before "1562".
2480	4044	30	"fot" should be "got".
2481	4045	2	Insert "up" after "to put".
2482	4045	5	Insert "Exhibit" before "1564".
2483	4045	15	Change comma to period after "company" and start new sentence with "It was".
2484	4045	18	Add "that" at end of line after "Count 4,".
2485	4045	27	Place comma after "lands". Change "which forests, etc." to "forests, etc. which".
2486	4045	31	"were owned" should be "are owned".
2487	4046	1	Change "an analogous may as provided the regulations" to read "analogous to the regulations".
2488	4047	7	"PI-2021" should be "NI-2023".
2489	4047	16	Insert "cannot make Farben" after first two words "Oil A.G.". Change comma to period after "management" and delete last word of line "cannot".

Item No.	Transcript Page	Line(s)	Proposed Correction
2490	4047	17	Delete first two words of line "make Farben."
2491	4048	7	Change "referred to State owned matters" to read "in referring to State-owned property, referred to matters".
2492	4048	12	Place comma after "State". Change "The Hague" to read "For then the Hague".
2493	4048	24	Change "Poland" to "the East".
2494	4048	25	Insert "was" after third word "pattern".
2495	4049	3	"is material" should be "are material".
2496	4049	24	Change "any talk about" to "a discussion about".
2497	4049	31	"consummation" should be "consummated".
2498	4050	8	"was only the" should be "was the only".
2499	4050	10	Last three words "he could have" should be "there could have been".
2500	4050	11	First word "had" should be "a". Change "during" to "doing".
2501	4050	12	Place period after "Oil". Begin new sentence with "But what". Insert "the" before "policy".
2502	4050	21	Insert "the" before last two words "controlling thing".
2503	4050	26	"But I stated by" should be "But here I stated that by".
2504	4050	27	Change entire line to read "was in some degree only a question of weight. What is important is the".
2505	4050	31	Delete "that" before the last word "a".
2506	4050	32	Delete "is made" after first word "quotation".
2507	4052	5	Change "questions" to "element".
2508	4052	8	Change "belligerent" to "enemy".
2509	4052	12	Place comma after "Count I".
2510	4052	14	Change comma to period after "war". Begin new sentence with following word "You".

Item No.	Transcript Page	Line(s)	Proposed Correction
2511	4053	4	Change "if you were to take anything where" to read "you assume that an".
2512	4053	5	Change "or not you can even go as far as the Hague Convention." to read "you assume that the Hague Convention applies."
2513	4053	8	"content" should be "contend".
2514	4053	10	Place "the fact that" at beginning of line before "the exploitation".
2515	4053	11	Delete comma and insert "from" after "question". Place comma after "or not" and after "things".
2516	4053	12	Change "did to prepare Germany for aggressive war." to read "prepared Germany for aggressive war." End the paragraph here. Begin new paragraph with remainder of line changing it to read as follows: "I would certainly like to".
2517	4053	14	"major interest" should be "majority interest".
2518	4053	15	"purpose of that" should be "purpose or that".
2519	4053	21	Change "ample I think the Tribunal will mark" to read "ample, which I think the Tribunal will note,".
2520	4053	28	"apart of" should be "apart from".
2521	4053	30	"that is just the position" should read "that the position".
2522	4053	31	Change period to comma after "purposes". "raised" should be "raises".
2523	4054	1	Change entire line to read as follows: "for German troops. It indicates that the plans were that we conquer the". with quotation marks before "we conquer".
2524	4054	2	Delete "will" before "divide up".
2525	4054	3	"spoliation" should be "spoils".
2526	4054	4	Place quotation marks after "countries".
2527	4054	5	Change "that moment seizing an armament." to read "that moment the seizing was of armaments."
2528	4054	12	Last two words "were be" should be "was".
2529	4054	13	Change question mark to period after "discussed".

Item No.	Transcript Page	Line(s)	Proposed Correction
2530	4054	19	Last two words "from a" should be "form a".
2531	4055	1	"lease" should be "least".
2532	4055	10	"for profit purges," should be "as usufructuary,".
2533	4057	17	"through the monopoly" should be "for the monopoly".
2534	4058	4	First two words "With what" should be "With that".
2535	4059	6	Delete first three words "when taken beside".
2536	4059	7	"indicates" should be "indicate".
2537	4059	31	"would by" should be "would be".
2538	4060	5	"should be kept" should be "will be kept".
2539	4060	19	Place comma after "policy".
2540	4063	13	Capitalize first letters in the words "Soda", "Caustic", and "Alkalies". Add "(Soda-und Aetzalkalien-Oct G.m.b.H.)." at end of line.
2541	4064	17	Insert "the" before "affiant Struss".
2542	4066	16	Change comma to period after "camps". Begin new sentence with following word "Host".
2543	4066	17	Place comma after "camps" and change comma to period after "you say". Begin new sentence with "Could that be".
2544	4066	31	Change "were given" to "were constituted".
2545	4068	19	Change last word "lecture" to "report".
2546	4069	15	First word "considering" should be "concerning".
2547	4069	16	Delete second word of line "that". Change comma to period after "question" and delete last word of line "and".
2548	4069	17	Begin new sentence with first word "What". Delete "more than any other and".
2549	4069	28	Change "question him as to" to read "counsel question the witness as to".
2550	4071	4	Insert "the" before "Main Camp".

Item No.	Transcript Page	Line(s)	Proposed Correction
2551	4071	12	Change "lecture" to "report".
2552	4073	29	Second word "that" should be "there".
2553	4078	11	"the affiants are" should be "the affiant is".
2554	4078	14	"their wishes." should be "his wishes."
2555	4078	31	"the Defense would be" should be "the Defense is".
2556	4080	25	Insert "the" before last word "Auschwitz".
2557	4081	14	Insert "asked" after "repeatedly".
2558	4081	22	Place comma after "complement".
2559	4084	20	Change "of the documents were lost." to read "of Bertrams were lost."
2560	4084	24	"RECRASS" should be "CROSS".
2561	4090	6/7	Change "than what the Prosecution can do." to read "than the Prosecution can."
2562	4094	14	Place quotation marks after "investments".
2563	4094	18	Change comma to period and place quotation marks after "question". "the words" should be "The word".
2564	4095	14	"708" should be "706".
2565	4095	30	"32,2" should be "23.2".
2566	4096	2	Change comma to period after "Office". Begin new sentence with following word "With".
2567	4096	20	"1007" should be "100.7".
2568	4096	31	Insert "for stabilizers were made" after first word "investments".
2569	4099	28	"as you have not" should be "as you have noted".
2570	4100	12	"that line on" should read "that first line of".
2571	4100	32	Delete third word "a".
2572	4102		Correct pagination of page numbered 4102 on which last two lines begin the reply of THE PRESIDENT to Mr. Sprecher is 4101.
2573	4102	30	Insert "been" after "not have".

Item No.	Transcript Page	Line(s)	Proposed Correction
2574	4104	10	"a year" should be "the year".
2575	4106	17	"laborator" should be "laboratory".
2576	4107	13/14	Between lines 13 and 14, insert: "A: I can remember that in all cases, the Metallgesellschaft was the driving force to keep the quota."
2577	4108	7	"10007" should be "NI-10007".
2578	4109	12	"on here." should be "in here."
2579	4109	21	Insert "it" before "was a little".
2580	4111	19	"10008" should be "NI-10008".
2581	4112	26	Change "settlement" to "housing".
2582	4115	15	Change entire line to read "From the point of view mentioned, as to the witnesses who testify".
2583	4115	16	Place "only" at beginning of line before "as to opinions".
2584	4115	22	"Lenger" should be "Gengyel".
2585	4118		Correct pagination of page numbered 4117 the last line of which is a question to the witness reading "What groups are they?" should be 4118.
2586	4118	14	"informatl" should be "informal".
2587	4119	26	Delete "to be included".
2588	4120	29	"German" should be "Germany".
2589	4120	30	"themselves" should be "herself".
2590	4120	31	"they consumed" should be "was consumed".
2591	4123	1/2	Insert "A. Yes." between lines 1 and 2.
2592	4123	14	Add "for" at end of line after "for instance,".
2593	4123	21	"of explosives" should be "for explosives".
2594	4124	25	"NI-10595" should be "NI-10010".
2595	4127	17	"is impossible" should be "is not impossible".
2596	4128	1	"sild" should be "silk".
2597	4128	15	Add "the" at end of line after "state of".
2598	4129	2	"613, 613" should be "612, 613".

Item No.	Transcript Page	Item(s)	Proposed Correction
2599	4129	27/28/29	Delete entirely as repetition.
2600	4130	7	Change "account these figures that" to read "account that in regard to these figures for".
2601	4130	8	Delete first word "in".
2602	4132	2	"568" should be "658".
2603	4132	6	Change entire line to read "and with it the dependency of the Wehrmacht which you have expressed in percentage figures?"
2604	4132	9	"and no concerning" should be "and concern".
2605	4132	22	"of the Farben" should be "of Verwertchemie".
2606	4133	17	Delete "in it" after "speak".
2607	4133	25	"which had a five per cent share in Farben's stock." should be "in which Farben had a 50 % share."
2608	4134	6	Delete "it certainly isn't correct".
2609	4134	7	Delete "in one case".
2610	4134	9	"production of figures" should be "production figures".
2611	4134	10	"1933 to 1945 or 1937 to 1943," should read "1932 to 1945 and for the years 1937 and 1943,".
2612	4135	10	Place comma after "record" and insert after it "page 1917 of the English Transcript."
2613	4135	20	Change "were determined" to "were found".
2614	4135	21	"on hand of" should be "in".
2615	4140	9	"are economic," should be "were economic,".
2616	4142	10	Delete "up" before last word "from".
2617	4143	30	Insert "for Huel" after "40,000 tons".
2618	4144	2/3	Change "on the state of I.G.'s consideration in regard to the further" to read "from the standpoint of I.G. a further".
2619	4144	4	Insert "was planned" after "Buna" and before the question mark.
2620	4145	32	"You may answer" should be "you may ask".

Item No.	Transcript Page	Line(s)	Proposed Correction
2621	4147	11	"participating" should be "particularly".
2622	4147	30	"figure" should be "figures".
2623	4148	24	Delete first two words "working for". Place comma after "Reich".
2624	4148	25	"Verdingen" should be "Uerdingen" and place comma after same word.
2625	4148	32	Last word "operate" should be "operated".
2626	4149	6	"estimate" should be "estimated".
2627	4149	11	"Teichseigen" should be "Reichseigen".
2628	4149	26	Second word "were" should be "was".
2629	4150	1	"contention" should be "computation".
2630	4151	24	Delete "whether".
2631	4152	19	Place comma after "1940" and delete next word "that".
2632	4152	31	Place comma after "has" before last word "actually".
2633	4153	23 & 25	"Verwertungsschemie" should be "Verwertchemie".
2634	4153	24	Insert "have" after "that I".
2635	4153	25	"that I was concerned." should be "what it concerned."
2636	4155	21	"It is no" should be "There is no".
2637	4157	25	"It shall now get" should be "It has now".
2638	4162	3	Change period to comma after "is given" and continue sentence changing "The witness" to "a witness".
2639	4163	8	Insert "that" after third word "ask".
2640	4163	9	"Tribunal" should be "Tribunals".
2641	4164	7	Delete last word of line "underneath".
2642	4164	8	Insert "count" after first word "membership".
2643	4167	5	"indicates a membership" should be "indicates SA membership".
2644	4167	18	Add "Year" after last word of line "Four".

Item No.	Transcript Page	Line(s)	Proposed Correction
2645	4167	30/31	Delete as repetition "otherwise known as the Keppler Circle of Friends, because Keppler Circle of Friends,".
2646	4168	4	"os" should be "is".
2647	4168	10	"in this means" should be "by this means".
2648	4168	11	"night" should be "might".
2649	4168	19	"NI 6025" should be "NI 6025 F".
2650	4168	30	"about the Dresdner Bank" should be "of the Dresdner Bank". "SS Rank" should be "SS Bank".
2651	4169	6	"NI-299" should be "NI-399".
2652	4169	17	"were made" should be "was made".
2653	4169	23	Place period after "membership" at end of line.
2654	4169	24	Place "The" before first word "statement". "not one declined" should be "no one declining".
2655	4170	14	"accounts" at end of line should read: account "S"
2656	4170	22	"requested to" should be "requested for". Insert "were" before last word "only".
2657	4171	8	"Kranefull" should be "Kranefuss".
2658	4172	23	"does" should be "did".
2659	4173	4	Delete "one".
2660	4173	13	"In sofar as Counsel can" should be "In so far as possible, Counsel should".
2661	4173	31	Insert "to" before last two words "the statements".
2662	4173	32	"of Heydrich had," should read "about Heydrich who,".
2663	4174	12	Delete "It's" at end of line.
2664	4174	13	Begin new sentence with "Now what we are". Delete "is" after "about".
2665	4175	5	Insert "was liquidated" after second word "that".
2666	4175	9	Place comma and "NI-12398 and NI-12399," after "documents".
2667	4175	10	Delete "12401,".

Item No.	Transcript Page	Line(s)	Proposed Correction
2668	4175	28	Change semi-colon to comma after first word "press".
2669	4175	29	"to show what" should be "to show that".
2670	4176	3	"which everyone" should be "that everyone".
2671	4176	4	"knew about," should be "knew about this,".
2672	4176	6	Last two words "is this" should be "is that this".
2673	4176	17	"defendants" should be "defendant's". Last three words "by the individual" should be "as an individual".
2674	4176	24	Change comma to period at end of line after "now".
2675	4176	25	Change "as NI-12398 and may" to read "NI-12398 may".
2676	4179	7	"Art. 7" should be "Art. 9". (Be sure this change is made in line 7 and not in line 8).
2677	4180	2	"In time" should be "Indeed".
2678	4180	3	Place comma after third word "which" and change next word "is" to "if". Change period to comma after "defense" and delete next word "It".
2679	4180	21	Insert "has" before "exercised".
2680	4180	22	Change "promote" to "present".
2681	4181	3	Delete first word "that,".
2682	4181	4	Insert "that" before "we do consider".
2683	4181	5	Change "satisfactory" to "important". Change "and adjective" to "of adjective".
2684	4181	6	Change first word "passes" to "touches". Change last word "in" to "and".
2685	4181	16	"1945" should be "March 1944".
2686	4181	18	Place quotation marks before "has always".
2687	4181	19	Place quotation marks at end of paragraph.
2688	4183	27	Change "like marking" to "like to mark in".
2689	4184	8	Change "to have more support" to read as follows: to have "moral support."

Item No.	Transcript Page	Line(s)	Proposed Correction
2690	4185	25	"1944" should be "1934".
2691	4189	29/30	"by private industry!" should be "by the German Labor Front.!"
2692	4191	4	"the subject to" should be "and subject to".
2693	4191	12	Insert "represents" after "payment". Also insert "subtracted" after "usually".
2694	4194	8	Add "in the affidavit." after "covered" at end of paragraph.
2695	4194	30	Add "so that" at end of line after "examination".
2696	4197	32	"possible" should be "possibly".
2697	4200	20	"pass that up" should be "pass those up".
2698	4203	16	Delete last word of line "and".
2699	4203	24	First two words "of you," should be "of yours,".
2700	4205	12 & 28	"NI-3999" should be "NI-399",.

Item No.	Transcript Page	Line(s)	Proposed Correction
2701	4213	3	Change line to read "inmate be it even that a punishment had been ordered against him?"
2702	4214	23	Third word "now" should be "no".
2703	4217	13	Place question mark after "Commitment" and delete "which you gained?"
2704	4218	12	Change second word "the" to "a".
2705	4219	26	Change second word "them" to "you". Also change "move them" to "move you".
2706	4220	11	Add "that" at end of line after "matter of course".
2707	4221	33	Add "I. Yes." at bottom of page after line 33.
2708	4224	1	Insert "that" after "know". "tho" should be "those".
2709	"	31/32	Delete entire line. Repeated on next page.
2710	4225	1	Delete "not" before "recall".
2711	"	5	"then arranging" should be "in arranging".
2712	"	6	"turned to a mean" should be "turned to a man".
2713	"	7	Place comma after "also".
2714	"	10	"but is" should be "but it".
2715	"	12	Delete "and" before last word "had".
2716	"	14	Insert "or" after "whether".
2717	"	16	First word "gentlemen" should be "gentlemen". Place period after "visit" at end of line.
2718	"	17	Begin new sentence with first word "However".
2719	4227	12	Insert "Fanslau," after first word "fuehrer".
2720	4232	11	Delete "see" after "witness".
2721	"	22	Second word "and" should be "at".
2722	4233	16	Insert "objection" after "we have no". Begin new sentence with "May we".

Item No.	Transcript Page	Line(s)	Proposed Correction
2723	4236	4	"over six weeks." should be "every six weeks."
2724	4239	4	"page 15 of the English" should be "page 25 of the German."
2725	"	5	"23" should be "22". Place quotation marks before "by order".
2726	"	9	Change quotation marks to single quote before "Department".
2727	"	10	Place single quote after "Research" and before the quotation marks.
2728	4244	20	"page 15 of the English," should read "page 42 of the English book 84"
2729	"	21	fourth word "to" should be "through". Place period after "entries" and delete "of the German."
2730	"	26	Delete "January, 1942 and 5 January"
2731	"	27	This line should read as follows: "MR. HENSKOFF: 2 January 1942 and 5 January 1942, I believe is on there."
2732	4244	28	Change "while January," to read "here 5 January."
2733	4246	2	Place quotation marks before "The Defense" at beginning of paragraph.
2734	"	26	"I should not say" should be "I would say".
2735	"	27	Delete "not" after "page".
2736	4248	20	Place comma after "basis" and delete "than where".
2737	"	21	Second word "may" should be "can".
2738	4249	25	"German" should be "English".
2739	4250	7	"3 January" should be "6 January".
2740	4252	8	"Page 1" should be Page 2".
2741	"	23	"Page 3" should be "page 2".
2742	4254-4263		These numbers not used. Page 4253 is followed by Page 4264.
2743	4264	5	"on the fact" should be "on the face".
2744	4267	5	"the," should be "then,".

Item No.	Transcript Page	Line(s)	Proposed Correction
2745	4267	24/25	Place period after "Book 11" and delete "and in Document Book 84".
2746	"	29	"Volume 84, page 1" should be "Volume 11, page 72".
2747	4268	7	First word "Hoerlein" should be "von KNIERIM".
2748	4271	24	"Frenchment" should read "Frenchmen were".
2749	4272	24	"You were there" should be "You were then".
2750	4276	10	Change last three words "is Dr. Boes" to read "Dr. Boes is not".
2751	"	11	Change "and not Dr. Ekarius?" to read "but Dr. Ekarius." (Deleting question mark).
2752	4281	4	Insert "orders of" after first word "to".
2753	"	22	"AGE Group" should be "Age Group". (Twice).
2754	"	24	As above.
2755	4282	26	Change "worked for 12 hours again, etc." to read "worked for 12 hours, rested for 24 hours, and then worked for 12 hours again, etc."
2756	4283	27	"1500" should be "1600".
2757	4284	7	"rests" should be "remains".
2758	"	16	Add "when" at end of line after "and".
2759	4286	8	"Mr. President" should be "Witness".
2760	4292	27	Place comma and insert "in my opinion," after "and" and before "the Prosecution".
2761	4293	4	"dies" should be "does".
2762	"	26	Change "say something?" to "ask another question?"
2763	4295	20	Change "To remain voluntarily is very difficult" to read "Voluntarily? It is very difficult to say."
2764	4297	32	"I was never" should be "I never went".
2765	4298	31	Delete "not" once.

Item No.	Transcript Page	Line(s)	Proposed Correction
2765	4302	4	"Do you call" should be "Do you recall".
2767	4303	26	"Mrs Oriol" should be "Mr. Oriol".
2768	4304	1	Insert "in" after "referred".
2769	"	24	"depended" should be "depending".
2770	"	27	Insert "able" after "Mr. Vollbach".
2771	4306	15	Place quotation marks before and after "Pour Frossard".
2772	"	16/17	Change "Alchymist Engel iginpe treuse et un volontaires et un chimiste. Landor." to read as follows: "Equipe treuti et un volontaires et un chimiste." (A shift of 31 volunteers and one chemist.)
2773	4307	16	"went" should be "sent".
2774	4309	14	Place period after "affidavit" and delete following word "of". Continue the paragraph with following sentence "I would like now to offer NI-12396 as Prosecution Exhibit 1623. This is an affidavit of —".
2775	"	27	"mark" should be "Marek".
2776	"	28	"were to be found," should be "were found,".
2777	4310	7	Delete "number" before last word "which".
2778	"	24	"Fullor" should be "fuller".
2779	4311	16	Place "because" at beginning of line before "of two affidavits".
2780	4312	16	Change "that they are" to read "perhaps they were".
2781	"	29	"I have been asked" should be "I would then ask".
2782	4313	4	"to talk about" should be "to show".
2783	4315	2	"you" should be "yourself".
2784	"	11	Change "level" to "number".
2785	4316	26	Place comma at end of line after "Kogon".
2786	"	27	"simply" should be "simplify".

Item No.	Transcript Page	Line(s)	Proposed Correction
2787	4318	1	Insert "as to what" after "agreed".
2788	"	3	"either one," should be "either one of you,"
2789	"	21	Place period after "affidavits". Begin a new sentence with "Please".
2790	4319	11	"Kopon" should be "Kogon".
2791	4320	2	"Last two words "the little" should be "a little".
2792	4326	29	"Document 265" should be "Document NO-265".
2793	4332	7	Place period after "1630" and delete the following words and submit at this time". Begin new sentence with "There is".
2794	4333	10	"June 17th" should be "June 15th".
2795	"	11	Insert "to" after "deliveries".
2796	4334	6	"NI-1246" should be "NI-12246".
2797	"	17	After line 17 and before line 18, insert the following: THE PRESIDENT: Is this sufficient or do you wish a further explanation, doctor? Dr. NELTE: Thank you. That suffices. Mr. SPRECHER: Can we enter it as an Exhibit? THE PRESIDENT: Yes, it is an exhibit. MR. MINSKOFF: Now, we offer document NI-12247 as Prosecution Exhibit 1674. This document consists of various letters and we submit them only to point out that further experiments were made with I.G. products in the Lehmann-Faciug Clinic for Mental and Nerve Diseases. DR. PRIBILLA: Mr. President, this document, NI-12247, Exhibit 1624, composed of three letters, is set out in the index in three paragraphs. I ask that especially large question marks be placed besides each of the three letters in the index. In the letters there is nothing to indicate that this concerns inmates of concentration camps, but something entirely different, a general observation of typhus patients.
2798	4335	24	"fact" should be "face".

Item No.	Transcript Page	Line(s)	Proposed Correction
2799	4336	6	Insert "in" before "all these". Delete "where".
2800	4337	14	Change "that a pattern is shown" to read "to show a pattern".
2801	4338	7	"show" should be "shows" (twice). Last word "were" should be "is".
2802	"	22	"When a man" should be "But when a man".
2803	4341	11	Place quotation marks after "stage." and add after it "And farther down:".
2804	"	27	Place comma after "noted".
2805	4342	4	"condition" should be "kind". Delete "III" after "experiment".
2806	4343	6	"From index" should be "From the index."
2807	4344	1	Place comma after "text".
2808	"	23	Change last two words "the course" to "because".
2809	"	24	Change period to comma after "throughout" and continue sentence with "he was".
2810	4345	8	Add "be" at end of line after "it will not".
2811	4346	10	"It's" should be "It".
2812	4349	19	"NI-12445" should be "NI-12446".
2813	4350	2	"he pointed out" should be "the former pointed out".
2814	"	3	Add "that" at end of line after "fact".
2815	4352	8	Place comma at end of line after "testify to".
2816	"	9	First word "would" should be "were".
2817	"	15	Last two words "is processing" should be "is being processed".
2818	"	16	"and will make" should be "and will be made".
2819	4353	4	"whether he died" should be "whether they died".
2820	"	8	"caused persons" should be "caused a person".

Item No.	Transcript Page	Line(s)	Proposed Correction
2621	4354	13	"correction" should be "corrections".
2622	4356	28	"1664" should be "1646".
2623	4365	18/19	Insert the following between lines 18 and 19 "were not competent to assign them. We had to go to Berlin and apply".
2624	"	17	Delete first three words "were to Berlin,"
2625	"	21	Change "discussions" to "Construction Conferences".
2626	4375	19	Insert "by" after first word "submitted".
2627	4380	10	"outrated" should be "outvoted."
2628	"	22	"that you frequently" should be "that you have frequently".
2629	"	29	Delete comma at end of line after "construction".
2630	4381	25	Insert "of" after "development" and before "Farben".
2631	"	29	First word "case" should be "cast".
2632	4382	3	Insert "inspite of" after "too small,".
2633	"	10	Place comma after "himself".
2634	4383	20	Insert "it" after "Legally".
2635	4385	1	Insert supplementary line before Line 1, reading as follows: THE MARSHAL: The Tribunal is again in session.
2636	4386	10	Place comma after "Exhibit 1740".
2637	4387	12/13	Delete last two words of line 12 "get through" and all of line 13 as repetition.
2638	4389	9	"and notice" should be "and as a notice".
2639	4391	12	"is the case" should be "in the Case".
2640	4393	3	"plant" should be "plan".
2641	4396	1	Delete "That is," and begin new sentence with "As to any".

Item No.	Transcript Page	Line(s)	Proposed Correction
2842	4396	4	Place comma after first word "knowledge". Delete next two words "as to" and also delete comma after following word "those".
2843	4401	12	"witness" should be "witnesses".
2844	4405	1	Insert supplementary line before Line 1, to read as follows: THE MARSHALL: The Tribunal is again in session.
2845	"	5	"I am no clear" should be "I am not clear".
2846	4406	30	"Let me ask you a question" should be "Let me answer your second question".
2847	4407	23	"Other methods" should be "Another method".
2848	4409	10	"Brod" should be "Broad".
2849	4410	15	"NI 6361" should be "NI 6363".
2850	4411	14	Delete comma after "Werke".
2851	4412	4/5/6	Change order of sentence beginning in middle of line 4 to read as follows: "The so-called Degesch firm, which is a German company for combatting vermin, is supposed to have influenced Testa."
2852	4413	4	Delete "and otherwise,".
2853	4418	1	Last three words "is the case" should be "in the case".
2854	"	11	"of the firm" should be "in the firm".
2855	4420	12	"Fun," should be "Funk,".
2856	4421	1	"cause" should be "case".
2857	"	7	Delete "it on".
2858	4423	26	"it it please" should be "if it please".
2859	4424	20	"end of the book?" should be "end of the document?".
2860	"	30	Delete second word "not".
2861	4427	23	Change "grammatical" to "numbered".
2862	4432	5	"Well, when" should be "Well, then".

Item No.	Transcript Page	Line(s)	Proposed Correction
2663	4432	26	Change "overruled" to "sustained".
2664	4434	20	Delete "as" before last word "having".
2665	4437	9	Delete comma after "Stabsleiter". "Hess's," should be "Hess's adjutant,".
2666	4439, 4440, 4441		The data on pages 4439, 4440, & 4441, should be 26 Nov. 1947.
2667	4439	14	"On the fact" should be "On the fact".
2668	"	21	Place quotation marks after "transcript,".
2669	4441	2	Place quotation marks after "Czechoslovakia."
2670	4446	10	Place period after "All of them are." Begin new sentence with "However,".
2671	4450	3	Insert "number" after "exhibit". "NI-;2627" should be "NI-12627".
2672	4452	3	"Exhibit 1918" should be "Exhibit 1818".
2673	4455	13	Last two words "of making" should be "by making".
2674	4456	28	Last four words "has be the witness" should be "has been by the witness".
2675	"	29	Add "put" at end of line after "were to".
2676	"	30	Delete "put" before "underneath".
2677	4458	27	"left this" should be "left Nürnberg".
2678	4459	8	"Exhibit 1831" should be "Exhibit 1821".
2679	"	21	Delete last word of line "the".
2680	"	22	Change entire line to read "that is, the Military Economic Armament Office of the OKW, from".
2681	4461	4	Insert "in" before last word "sufficient".
2682	4463	6	First word "what" should be "which".

Item No.	Transcript Page	Line(s)	Proposed Correction
2883	4464	11	Place quotation marks before and after "To Prok. Kuhl-Schatten, Dipl. Ing. Michaelis,".
2884	"	17	"NO.269" should be "No.269"
2885	"	18	Change "Official Newspaper" to "Reichsanzeiger".
2886	4465	3	Change "November" to "February".
2887	"	7	"I will" should be "It will".
2888	"	13	Place quotation marks after "monthly with".
2889	4466	6	Place comma after "Pension".
2890	4467	18	"1475" should be "1457".
2891	4468	11	"On page 6" at beginning of line should be "On paragraph 6".
2892	"	18	"in to." should be "in toto."
2893	4469	16	Change "NI-12116 is not offered and should be" to read "NI-12116 offered and it should be".
2894	4470	21	Place period after first word "Pribilla".
2895	4472	17	First word "Also" should be "So".
2896	4476	3	"handwiring" should be "handwriting".
2897	4478	13	Delete "the" before "two documents".
2898	4483	1	Place "8" at beginning of line before "Gerhard Ritter" and "9," before "the affidavit".
2899	4486	22	"the latter affidavit," should be "the last affidavit".
2900	4489	14	"memorandums" should be "memoranda".
2901	"	28	"abstantive" should be "substantive".
2902	4491	4	Change period to comma after "his absence", and continue sentence with "we shall".
2903	"	5	Insert "is given for him" after "opportunity".
2904	"	25	Delete "I am sure that" after first word "if".

Item No.	Transcript Page	Line(s)	Proposed Correction
2905	4492	7	"so that may" should be "so that you may".
2906	"	31	Delete last word of line "of"
2907	"	32	Change first two words "getting the" to read "in respect to the"
2908	4494	9	"examination." should be "examination is being conducted.".
2909	"	11	Insert "the" before "witness stand".
2910	"	14	"considerable" should be "considered".
2911	"	15	"affiants" should be "affiant.".
2912	"	22	Insert "recess" after "it would".
2913	"	24	First word "contemplation" should be "completion".
2914	4498	9	Change "as the presiding" to read "and that the presiding".
2915	"	12	Change period to comma after "record" and continue the sentence with "we have".
2916	4503	9	Delete comma after "general view".
2917	"	10	Delete comma after first word "on". Change "in fact," to "it is a fact," and add "that" at end of line after "example,".
2918	4504	21	Change "there was no such thing as the SD." to read "that was not at all for the SD."
2919	"	26-30	"Inland" should be "within Germany".
2920	4512	24/25	Between lines 24 and 25, insert THE PRESIDENT: Would you have a complete list of outstanding witnesses provided for us?
2921	"	25	Change "THE PRESIDENT:" to read "MR. SPEECHER:"
2922	4516	5	Change "executive presiding judge matter" to read "executive matters of the presiding judge".

Item No.	Transcript Page	Line(s)	Proposed Correction
2923	4516	13	Place quotation marks after first word "(pro)duced". Delete quotation marks after "1940".
2924	4519	18	Place period after "true" and delete "though".
2925	"	22	First word "from" should be "for".
2926	"	26	Place single quote and quotation marks after "5000". Insert "then" after dash and place quotation marks before "7800 tons".
2927	4520	4	Last two words "was conferred" should be "we conferred".
2928	"	7	"That these conversations" should be "These conversations".
2929	4523	32	"lit" should be "limit".
2930	4524	19	Place period after "correct" and delete "though".
2931	"	21-30	"200 tons" should be "600 tons".
2932	4525	31	"of the plant" should be "of the plans".
2933	4526	21	"are finished" should be "was finished".
2934	4527	8	Insert "by" after first two words "to mean".
2935	"	13	"romak" should be "remark".
2936	4528	31	"35" should be "36."
2937	4536	10	"reading" should be "reaching".
2938	4537	28	Delete first word "had". Also delete "following".
2939	4540	2	"No. 265" should be "NO-265".
2940	"	15	Change "Dr. Hovon" to "Dr. Kogon".
2941	4541	26	Change "from what" to "that which".
2942	"	27	First word "it" should be "which".
2943	"	28	"is not in point," should be "is in point." Add "not" at end of line after "It did".
2944	"	29	"was in proper" should be "was not in proper".

Item No.	Transcript Page	Line(s)	Proposed Correction
2945	4542	26	"29 January, 1941" should be "29 December, 1941".
2946	4543	6	Delete "said" before last word "in".
2947	"	7	Insert "said" after third word "case".
2948	"	14	First word "Hoven" should be "Kogon".
2949	4547	9	"Kunin" should be "Kounino".
2950	"	25	"This completes" should be "This reduction agrees with".
2951	4549	11	Delete "counsel wants to be heard".
2952	4550	7	Change "chemical" to "pharmaceutical".
2953	"	14	Insert "it" after "consider".
2954	"	18	"omulative" should be "cumulative".
2955	"	24/25	"ccumulative" should be "cumulative".
2956	4552	17	Place commas after "document" and after "affida vit".
2957	"	21	Delete "it" before "can lead".
2958	"	22	Change "see" to "read".
2959	4557	18	"81" should be "Book 81".
2960	4558	12	Insert "the" after "true that" and before "kitchen".
2961	"	13	Insert "for the inmates," after "administered".
2962	4559	17	"civilians who" should be "civilian foreman who".
2963	4564	1	Place period after "irrelevant" and delete "in this connection".
2964	4567	12 / 13	Change "as in the preliminary step after they had been constructed" to read "as in the construction of the first plant."
2965	"	27	"version" should be "conversion".
2966	4580	5	Delete last word "not".

Item No.	Transcript Page	Line(s)	Proposed Correction
2967	4587	17	Change "transferred " to "covered".
2968	4588	13	Delete "preliminary" once.
2969	4592	13	"not redirect" should be "no redirect".
2970	4593	15	"refer" should be "defer".
2971	4594	14	"without" should be "within".
2972	4595	2	Delete comma after "Schlotterer", "is available" should be "are both available".
2973	4597	6/7	Delete as repetition "and I will expect a further report very shortly".
2974	4600	28	Place comma after "should".
2975	4601	23	Place quotation marks at beginning of line before "I remember".
2976	4602	2	Place quotation marks at end of paragraph.
2977	4603	11	"is not in order." should be "is now in order,".
2978	"	33	Change "I was to speak the Deputy" to read "I was, so to speak, the Deputy".
2979	4605	28	"Lossing" should be "Blossing".
2980	4606	1	"as available." should be "and available,".
2981	4612	12	Change comma to period after first word "Himmel".
2982	4613	1 5	"that is now" should be "that it is now".
2983	4614	4	"we thought, he had as directed." should be "we thought he had been directed."
2984	"	18	Delete comma after "about".
2985	4615	27	"War Labor of Ministry" should be "Gau Labor Ministry".
2986	4618	3	"The Prosecutions, of course," should be "The Prosecution's objections, of course,".
2987	4621	29	Change "industrialists" to "people".

Item No.	Transcript Page	Line(s)	Proposed Correction
2988	4627	32	Change first word "they" to "we".
2989	4628	26	Change first word "done" to "also".
2990	4630	26	First word "planning" should be "planting"
2991	4639	4	"Then, it is not" should be "That is not".
2992	"	6	Change "In this government or with Goering" to read "And at this point I would like to hear what trains of ideas were standard on the part of this government or with Goering".
2993	4640	14	Delete quotation marks after "State".
2994	"	15	Place quotation marks after "Reich".
2995	4641	4	First two words "our principle" should be "principally"
2996	4644	17	Insert "and so forth, and" after "Year Plan".
2997	4645	19	Change "charge" to "ruling".
2998	4646	18	"if he were used" should be "if they were used".
2999	4647	12	"a special" should be "especially".
3000	"	27	"HI 4440" should be "HI 440".
3001	4648	22	Change "the surface; this is apart" to read "the surface is apart".
3002	4649	3	After line 3, insert heading "RECROSS EXAMINATION"
3003	"	31	Insert "and developed" after "brought".
3004	4653	Headline	"REDIRECT" should be "RECROSS".
3005	4654	18	"I make no" should be "I made no".
3006	4659	9	"Briefs are" should be "Brief is".
3007	4660	7	First word "now" should be "not".
3008	4661	25	"in individual" should be "in an individual".
3009	4662	3	Delete "either" at end of line.

Item No.	Transcript Page	Line(s)	Proposed Correction
3010	4662	10	"fact of the affidavits," should be "face of the applications,".
3011	4665	28	"that they should" should be "that there should".
3012	4668	27	"then it appeared" should be "when it appeared".
3013	4672	19	"fundamental" should be "fundament".
3014	"	20	"the document is" should read "that the documents are".
3015	"	21	Delete "to be" after "the charges".
3016	4677	39	Insert "such" before "position".
3017	4680	9	"Only if" should read "That this is the case is evident if".
3018	"	22	"is not being" should be "will not be".
3019	4681	11	"in view of time" should be "in view of the time - Delete comma after "time" and place one at end of line after "we have".
3020	"	21	"The motive" should be "If the motive".
3021	"	26	Delete "being" before "adhered".
3022	"	28	"there are" should be "these are".
3023	4686	1	Delete "is" after "that".
3024	"	2	"first" should be "fifth".
3025	4690	17	"that it has not" should be "and it has not".
3026	4695	8	Change "various interests to German parts which" to read "various German interests which".
3027	4701	5/6	"exportation" should be "exports".
3028	"	7	As above.
3029	"	10	Delete "tendencias" and place quotation marks before "in the East" - Change period to comma at end of line.
3030	"	11	Change "Quite generally speaking" to read "an insertion for clarity,". Place quotation marks before "from which".

Item No.	Transcript Page	Line(s)	Proposed Correction
3031	4701	13	Place quotation marks and change comma to period after "created".
3032	4702	24	Change first word "whether" to "that"
3033	4703	3	Complete this paragraph with the following sentence "May I have the permission of the Commissioner to present this document to the witness?"
3034	4704	14	First word "exhibit" should be "offered".
3035	"	25	First three words "to also be" should be "to be also".
3036	4706	3	Change "In the official information of the time and in the" to read "In the then current official reports and".
3037	"	4	Delete "at the time".
3038	"	14	Change "if you want to supplement the 'official' to read as follows: unless you apply "official" to both
3039	"	15	Place quotation marks before "reports" and change second word "by" to "and".
3040	"	18	"the the noun" should be "to the noun"
3041	"	21	Place quotation marks after "official".
3042	"	22	"clears us" should be "clears up".
3043	4707	1	"At late" should be "As late".
3044	4708	4	"I would" should be "it would"?
3045	4709	23	"decided" should be "decide".

Nurnberg, 30 April 1948
Date

By _____
D.A. Sprecher

for TELEFORD TAYLOR
Brig. Gen. U.S.A.

By _____
Dr. Rudolf Dix

for DEFENSE COUNSEL
CASE VI.

MILITARY TRIBUNALS

Nurnberg, Germany

UNITED STATES OF AMERICA

Against

KRAUCH and Others (Case VI)

SECOND MOTION OF THE PROSECUTION
TO CORRECT THE ENGLISH TRANSCRIPT

The prosecution herewith moves that the Tribunal order that the corrections indicated below be made in the official mimeographed copies of the English transcript.

Item	Transcript			
No.	page	Line(s)	<u>PROPOSED CORRECTION</u>	
211.	676	2	Change comma to period after "Farben". Begin new sentence with "Legally". (Correction of item 211 of "First Motion of the Prosecution to Correct the English Transcript", dated 25 November 1947).	
212	681	18	Change second word "was" to "were".	
213	684	6	Change "in the description" to read "at the discretion".	
214	684	14-16	Delete all of lines 14 and 15 and through "technical committee" of line 16, and replace with the following: "believed that the production planning in one of the Plants or in a Works Combine conflicted, he likewise undertook his own measures on his own initiative. Furthermore, it is established that normally such steps did not have to be undertaken and that in general the diffi-	

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
			culties in the various plants were brought before the various sub-committees of the Technical Committee and ironed out there."
215	684	18	"owned" should be "held".
216	684	23	Insert "that" after "Paragraph 30,".
217	684	25	Change "from" to read "except for".
218	684	28	Delete period at end of line (sentence continued on next page).
219	685	13	Change "again the communications" to read "again through communications".
220	685	15	Change "in order to keep the affairs of Farben on a unified plane." to read "the affairs of Farben were kept on a unified plane."
221	686	11	Change comma at end of line to period.
222	686	12	Change "to underline, your Honors, the uniform" to read "This underlines, your Honors, the unified".
223	686	30	"technician should be "technical".
224	687	15	Change "A summary of the Defendant of Page 124" to read "The summary of the Defendant ter Meer on page 124".
225	687	18	Change "affidavit ter Meer" to read "affidavit by ter Meer".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
226	688	3	Change "there is a statement herein, except where" to read "the statements must remain since".
227	688	21	Delete period after "excerpts".
228	690	14	Change last word "doe" to "for".
229	690	21	Change last word "now?" to "not?"
230	691	18	"Dr. Tilder," should be "Dr. Silcher,".
231	692	22	"this is" should be "these are".
232	693	6	"important" should be "importance".
233	693	19	"Vorstant," should be "Vorstand." with period after it to end the sentence.
234	693	21-22	Change period after "German" to comma. Change "Most of the basic matters which would be involved is most of the things" to read "and include most of the basic matters which are involved and".
235	693	26	"desiring" should be "deserving".
236	694	4	Change "Oppau" to read "Ludwigshafen-Oppau".
237	694	7	"which" should be "what".
238	694	24	"through" should be "throughout".
239	695	4	Change "head of the functions of the Working committee notices" to read "had of the functions of the Working Committee and notes".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
240	695	5	Change "in effect the Vorstand worked" to read "in effect did the Vorstand's work".
241	695	7	"He notices" should be "He notes".
242	698	9	"G.A." should be "Z.A."
243	699	6	"by" should be "be".
244	699	13	Change "principle works combine." to read "principal works combines."
245	700	29	"year" should be "date".
246	701	11	"that we" should be "than we".
247	702	5	Place quotation marks after last word "schedule."
248	702	9	"Everstengrube" should be "Fuerstengrube".
249	702	14	Change "the Auschwitz work" to read "that the Auschwitz work".
250	702	15	Change "planning to come" to read "belonging".
251	702	16	Delete comma after the second "Main Group I".
252	703	20-21	Change "there is going to be some reservations made." to read "some reservations are going to be made."
253	711	6	"any audit" should be "an audit".
254	712	30	Place quotation marks after last word "liable."

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
255	713	11	Change the following: that the Term "Betriebsfuehrer" of some significance to read as follows: that the significance of the term "Betriebsfuehrer" be indicated
256	713	19	Change "that at page 4, about Fahle's view" to read "on page 4, Frank-Fahle's view".
257	715	5	Insert "meetings" after "committee".
258	715	6	Delete "as either".
259	715	7	Change period after "problems" to comma and continue sentence with "particularly".
260	715	8	"for industrial" should be "of industrial".
261	715	17	Change "also the defendant Mann," to read "also headed by the defendant Mann,".
262	715	19	"Frank" should be "Frank-Fahle".
263	715	20	Change second word in line "both to "these".
264	715	21	Delete "neither or" at end of line.
265	715	27	"Frank" should be "Frank-Fahle".
266	716	20	Change "problems to" to read "problems which have priority to".
267	716	26	Last two words "are connected" should be "is connected".
268	718	7	Delete "underneath the defendant Schnitzler".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
269	719	14	Change "have been reconstituted with the" to read "has been reconstituted with the approval of the".
270	719	15	Change "and a conference" to read "as a result of a conference".
271	719	16	Change "bringing closer contact to" to read "bringing into closer contact".
272	719	29	"to say" should be "to point out".
273	720	2	No new paragraph. Change "In 1937" to read "You will note that as early as the date of this meeting, in 1937,". Place period after "America". Begin new sentence with following two words "At the".
274	720	5	Change last word "manners - " to read "members and".
275	720	6	Delete comma after "Vermittlungsstelle".
276	720	22	Delete third word "read".
277	720	25	Place semi-colon after "par. 8;".
278	721	2	"determine" should be "deter".
279	721	8	First word "company" should be "companies".
280	721	13	"are deposits" should be "ore deposits".
281	721	15	Change "so I say where a major point comes up," to read "and so I point out that where a major point came up", omitting the comma after "up".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
282	722	6-7	Change "which was the head to get together with VB discuss these matters." to read "which committee together with Vermittlungsstelle W was to discuss these matters."
283	726	18	Place comma after "instrumentality". Change next word "is" to "which was".
284	726	19	"dangerous form" should be "dangerous from".
285	726	20	Change comma after "war" to semi-colon,
286	726	21	Change "as the instrumentality" to read "as to this instrumentality".
287	726	27	Change last word "dependant" to read "be dependent".
288	728	23	"of which was called" should be "of which a sub-commission called".
289	730	1	Insert "I was" before last two words "on the".
290	730	3	"relation" should be "relating". Place comma after "sub-commissions" and change "on other words" to "in other words".
291	730	5	Place comma after first word "factories,".
292	730	22	"my anticipate" should be "may anticipate".
293	730	23	"alter" should be "later".
294	731	23	"merelin" should be "merely".
295	732	19	Last word "differen -" should be "difference"

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
296	732	20	Change first word "tein" to "in".
297	732	31	"preceed" should be "predecessor".
298	733	4	"is nitrates" should be "for nitrates".
299	745	9	First word "upon" should be "open".
300	746	11	Second to last word "that" should be "what".
301	750	20	Delete third word "in".
302	751	16-17	Insert between lines 16 and 17 the following: "extent than in peacetime. Furthermore, pharmaceutical".
303	751	28	Change "because the demand" to read "because of the demand".
304	752	8	Change "objected to you?" to read "objected to by you?".
305	753	4, 10	"expert" should be "export".
306	757	18	"forget" should be "forged".
307	757	21	Change second word "is" to "it".
308	758	23	Change "procedure attached to" to read "predecessor of".
309	760	19	Delete "be" before "eliminate".
310	762	2	"and alliance" should be "an alliance".
311	762	14	"darting" should be "skipping".
312	762	15	Last two words "with all" should be "of all".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
313	763	7-8	"concerned" should be "is concerned."
314	763	9	Change "we are dealing in connection with Count I, found" to read "in dealing in connection with Count I, we find".
315	763	16	Change "of correspondence to" to read "or correspondence with".
316	763	29	"evident" should be "evidence".
317	764	13	Place period after "Count II." and delete as repetition "and there is an alliance of Farben in actual conquest."
318	765	4	"inspectionary" should be "inspection or".
319	766	1	"items 6," should be "item 6,".
320	766	16	Delete "now" before "in connection".
321	766	22	Change "in that the Berlin office" to read "in that in the Berlin office".
322	767	10	"it will" should be "it is".
323	767	15	"there is" should be "where there is".
324	767	16	Change last two words "become to" to read "become clear to".
325	768	1	Place period after "Committee." Begin new sentence with "Although".
326	768	13	"nitric and" should be "nitrates and".
327	768	23	"I have noted" should be "are noted."
328	768	31	"Kluger" should be "Kugler".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
329	769	7	"Eye-Stuffs" should be "Dyestuffs".
330	769	14	"passign" should be "passing". "affidavit" should be "affidavits".
331	769	21	Delete "that" before "paragraph".
332	769	32	"is was" should be "it was".
333	770	3	"department" should be "départments". Change "Your Honor, may" to read "Your Honors may".
334	770	7	Place commas both before and after "Press Office". Change "the name because" to read "the name of Passarge because".
335	770	15	Delete "are listed".
336	770	20	"was held" should be "were held".
337	770	26	Change first word "during" to "with". "we thoug" should be "we thought".
338	770	28	"thinks" should be "thinks".
339	771	6	Change "functions in" to read "functions of WIPO in". "has been" should be "have been".
340	771	7-8	Change "to point out with this principle agency the Nazi party" to read "to point out that I.G. is dealing intimately with the principal agency of the Nazi Party".
341	771	9-10	Delete as repetition "and I.G. is dealing intimately".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
342	771	10	Change the following: at the bottom: "hope to read: at the bottom that it is a hope.
343	771	12	"yourself" should be "yourselves". Delete quotation marks at end of paragraph.
344	772	6	"that may" should be "and may".
345	772	12	"upon the fact" should be "upon the face".
346	772	14	"it started" should be "and started".
347	772	23	Change "You are saying it would be at least a prima facie of" to read "What you are saying would at least be shown prima facie by".
348	772	30	"exhibit" should be "exhibits".
349	773	4	"I would" should be "It would". "ti let" should be "to let".
350	773	8	"catch" should be "patch".
351	773	10	"some to these" should be "some of these".
352	773	17	"in mink" should be "in mind".
353	773	18	"in due time should" should read "in due time they should".
354	773	30	"to being" should be "to bring". "of some of the" should be "to some of the".
355	773	31	Place period after "documents.". Begin new sentence with "At this time".

Item	Transcript			
No.	page	line(s)	PROPOSED CORRECTION	
356	774	4	"I will" should be "We will".	
357	779	28-29	Change "who have been according to Baessler were" to read "who have been indicted were, according to Baessler,".	
358	780	21	"thre-translation" should be "the re-translation".	
359	780	24-26	Change the following: <p>"I attended meetings of the Commercial Committee (Kaufmaennische Ausschuss) and on many occasions I attended meetings of the Working Committee."</p> <p>to read:</p> <p>"On many occasions I attended meetings of the Commercial Committee (Kaufmaennischer Ausschuss)". . Para. 6. . .</p> <p><i>Handwritten signature</i></p>	
360	780	27	Change "translated in this case" to read "translated in the English". Place quotation marks after "Arbeits-Ausschuss,".	
361	781	22	"put the policy" should be "guided the policy".	
362	782	3	"was regular" should be "was a regular".	
363	782	5	"interest of him" should be "interest to him".	
364	782	13	Delete "not" before last two words "like to".	
365	782	18	"has submitted" should be "had submitted".	
366	784	20	Place quotation marks before "to establish".	

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
367	788	31	Delete as repetition "and the explosive industry of DAG,".
368	792	3	Change "at least Farben jointly" to read "at least various Farben plants".
369	792	22	Delete "with" before "the defendant".
370	793	8	"plan leaders" should be "plant leaders".
371	793	25	Change last word "be" to "is".
372	794	25	Change "in the affidavit," to read "in the Paulmann affidavit,".
373	796	7	"no exclusively" should be "not exclusively".
374	796	18	"held in by" should be "held by".
375	800	30	"the revealing" should be "then revealing".
376	801	16	"and unprecedented" should be "an unprecedented".
377	801	30	Change first word "of" to "at".
378	801	33	Change "here neighbors entended" to read "her neighbors extended".
379	802	3	"that is became" should be "that it became".
380	802	8	"of tremendous" should be "of the tremendous".
381	808	10	Change "was before" to "preceded".
382	809	2	Delete third word "where".
383	809	15	Place semi-colon after "favorable;". Last word "reserve" should be "reserves".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
384	816	4-5	Place comma after "staff" and parentheses before "it will". in line 4 and after "Your Honors" in line 5.
385	816	7	"shown" should be "shows".
386	816	8	"was would" should be "who would".
387	816	27	Delete second "lll" as repetition.
388	817	7	"of his organization" should be "of this organization".
389	817	19	Last word "point" should be "points".
390	817	30	"Book," should be "Book 25,".
391	818	4	Change period after "page" to colon.
392	818	10	"may O" should be "may I".
393	818	11	Place dash after "Hitler says," and delete "and may I the German first."
394	821	16	Change "to forward to the Minister" to read "to forward a warning to the Minister".
395	821	18	"Furherer" should be "Fuehrer".
396	825	14	"autherity" should be "author".
397	825	18	Change "In this this article," to read "In this article,".
398	825	19	"may K" should be "may I".
399	825	27	Insert "previously" after "which I offered".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
400	827	2	"unrestrict" should be "unrestricted".
401	829	2	"Tan Meer" should be "ter Meer".
402	829	5	Change comma after "presence" to semi-colon.
403	830	18	Change comma after "English" to semi-colon.
404	831	19	"EI-427." should be "Exhibit 427."
405	837	16	Change "taken itself" to read "taken by itself".
406	838	21	"Factories." should be "Company."
407	839	18	Change "in charge of research and development." to read "had taken over the Department of Research and Development."
408	840	6	Change "report by which" to read "report which".
409	842	17	Change "Chairman, Minister" to read "German Minister".
410	845	4	Delete "This".
411	848	2	"oe explosives," should be "of explosives,".
412	849	26	Add "or" after "form" at end of line.
413	851	4	"defendant," should be "defendants,".
414	855	18	Change "am not to" to read "am not going to".
415	861	19	"Basis" should be "Basic".
416	862	14	Delete "at the bottom -- ten".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
417	866	7	Delete quotation marks at end of line.
418	867	5	Delete "to" before "which".
419	867	26	"goes either" should be "applies to either".
420	868	19	Change "preferred that part" to read "offered this other part".
421	868	20	"was made" should be "is made".
422	868	26	Change "point out the" to read "point out that the".
423	869	9	Delete "here".
424	869	13-14	Place period after last word in line 13. Delete first word "here" in line 14.
425	869	15	"as E. 140." should be "such as E. 140."
426	869	16	"or order" should be "or orders".
427	869	18	Delete "again" after "point".
428	870	6	"engines," should be "agents,".
429	872	12	Change "this fact certainly" to read "the fact that certainly".
430	873	14	Change "rights of the defendant" to read "right of the defendants".
431	873	17	Delete "in" before "nothing".
432	874	17	Change "(Field Marshall Von Hanneken.)" to read "(e.g. General von Hanneken)."
433	874	26	Insert "and" before "is given".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
434	878	7	"concern" should be "concerning".
435	879	3	"clerical" should be "official".
436	879	21	"nor yet rule" should be "not yet rule".
437	882	5	"want" should be "wants".
438	882	6	Delete "that" before "boering".
439	883	15	Insert "that" before the last word "the".
440	884	3-4	Change "to substitute at the end the last work of this paragraph" to read "to alter the last word at the end of this paragraph." placing period after "paragraph." Change "by the word of" to "Insert".
441	885	1	Change comma after "book" to period and delete following word "namely".
442	886	6-7	Change "and his support is the industry." to read "and its support by industry."
443	888	15	Change "see the" to read "see that the".
444	890	3	"to defense" should be "through defense".
445	890	14-15	Change "that of the Legal Department a report" to read "under Legal Department that a report".
446	890	22	"bush" should be "busy".
447	891	25	Change "again in the chronological order comes in the" to read "brings us in the chronological order to the".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
448	892	14-15	Change the following: of the Rush Plan that is the plan of 13 August and for the to read as follows: of the Rush Plan".... (that is the plan of 13 August)..... "and for the
449	893	15	Change "is the WASAG states." to "is WASAG."
450	894	21	"sign sentimental" should be "sign of sentimental".
451	894	30	Delete this last line. Repeated on page 895.
452	895	8	"document can" should be "document which can".
453	895	14	Place quotation marks before "He,".
454	895	21	Delete quotation marks before "Dr. Krauch".
455	895	23	Delete quotation marks after "Office.".
456	896	6-7	Delete all of line 6 and first two words "an order," in line 7.
457	896	16	Change last word "out" to "developed".
458	896	17,23,32	"gunspower" should be "gunpowder".
459	897	13	Change "which is exhibit 401." to read "Exhibit 468, which is in connection with Exhibit 401."
460	899	17	Change "Merch 1939 as the" to read "March 1939 was the".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
461	899	18	Change "Czechoslovakia on 15 of March 1939." to read "Czechoslovakia, 15 March 1939."
462	906	27	Delete as repetition "and on page 150".
463	907	1	"before the second," should be "before the signature,". "Willhun" should be "Willuhn".
464	908	3	"are excerpts" should be "consists of excerpts".
465	909	5	Change "This document is referred to" to read "This document which is our Exhibit 401, PS-1301, is referred to".
466	909	20	First word "We" should be "He".
467	910	4	Change "the document" to read "the German document book".
468	911	23	Delete "XXX".
469	912	1	"Number1" should be "Numeral".
470	912	17	Second word "sus" should be "use".
471	912	21	Change "a short note of" to read "in a short note".
472	913	21	Delete period after "defendant".
473	916	9-11	Enclose in quotation marks everything after "heading" to end of sentence and correct punctuation to read as follows: "Foreign labor recruited for Gobecken".. (which is Plenipotentiary General for Chemistry)...."must not be assigned for

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
			any other purposes."
474	916	21	Delete "showing" after "page,".
475	919	3-4	Place "self-responsibility of industry" within single quotes and capitalize as follows: "Self-Responsibility of Industry"
476	921	16	"commission" should be "commissioner."
477	922	9	Change period after "page 63" to comma.
478	924	17	"will he" should be "will we".
480	926	17	Change "in as page 491" to read "in as Exhibit 491".
481	933	2	Fourth word is "competence."
482	933	4	Last word is "authorities."
483	937	5	"The Exhibit 405," should be "The Exhibit 503,
484	937	18	Place period after "and so on".
485	937	24	"Birm" should be "firm".
486	937	29	"methand" should be "methanol".
487	938	2	"of these" should be "of this".
488	938	18	Delete entire line as repetition.
489	938	19-20	Change "routed the Vermittlungsstelle W" to read "routed to the Vermittlungsstelle W." with period after "W" Begin new sentence with "Just" in line 20.

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
490	939	17	"Ministry Armaments" should be "Ministry of Armaments".
491	940	3	"Committess" should be "Committee".
492	940	11	"he;d" should be "held".
493	940	13	"poited" should be "pointed out".
494	940	25	"manes" should be "names".
495	940	31	"defendant" should be "defendants".
496	942	1	"reference" should be "refer".
497	943	6	"officia;s" should be "officials".
498	943	23	Last word "filling" should be "filing".
499	943	24	"possible emphasis" should be "incorrect emphasis".
500	943	27	Last word "any" should be "anything".
501	945	14	"simply point" should be "single point".
502	946	23	Change last word "Plan" to "Plants".
503	946	24	"plans" should be "plants".
504	946	27	"Plans" should be "Plants".
505	947	2	Fourth word "from" should be "of".
506	949	9	Change "belon 30 marks," to read "just below RM 0.30 per kg.".
507	949	10	Change "eight" to read "RM 0.08".
508	950	19	"process" should be "processes".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
509	953	12	Last word "confirms." should be "is involved here."
510	953	14	"to an extent" should be "extensively".
511	956	4	Delete "Q:" at beginning of line and substitute with quotation marks.
512	958	7	"discussion," should be "discussing,".
513	960	23	Insert "which" after "law".
514	969	30	Place period after "material." Begin new sentence with "On the specific points".
515	974	5	Place quotation marks after "Ministry."
516	974	12	Change "Vorstand of I.G.," to read "Vorstand member of I.G.,".
517	975	1	"german" should be "Germany".
518	976	1	"Hors" should be "Honors".
519	976	17	"representatives" should be "representative".
520	981	3	First word "In" should be "I".
521	984	13	First word "become" should be "became". "conversation" should be "conversion".
522	984	31	"executies" should be "executives".
523	985	3	Delete last word "on".
524	985	4	"altogether this occasion," should be "altogether on this occasion,". "remained" should be "retained".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
525	989	16	Change "for arguments, sake. We picked" to read "for argument's sake, we picked".
526	990	23	Change "of private is directly to the" to read "of private industry is directly related to the".
527	990	29	Place colon after "1939:".
528	991	14	Place quotation marks before the second "I.".
529	991	15	Place quotation marks at beginning of line.
530	992	4	"Haber-Bosch." should be "Haber-Bosch process."
531	992	27	"53.9" should be "53.9 percent".
532	992	29	"The less" should be "The loss".
533	993	8	Last Word "discussion" should be "discussing".
534	993	15	"stook" should be "stood".
535	994	4	Change last word "of" to "which".
536	994	5	"init." should be "in."
537	994	13	Insert the following after line 13 and before line 14: "must have had a very crippling effect on the initiative of our industry in this direction. As is known, the Fuehrer, shortly after coming to power already gave the impulse for the motorization of Germany and the establishing of our own mineral oil basis at the Automobile

Exhibition in 1933. The conversion of this impulse into actual fact is first of all closely linked with the name of the Reich Minister of Economics, Dr. Schacht. The way in which the new knowledge was converted into actual fact is characteristic for the impetus given to our economy by National Socialism."

538 994 14

Change capitalization and punctuation at beginning of line from:

KEPPLER, "Your Honors

to:

Keppler" -- Your Honors

539 994 15

Change punctuation in middle of line from:

We have met Keppler before," the plenipotentiary

to:

We have met Keppler before -- "the plenipotentiary

540 994 17

Change "to carry Socialist Germany" to read "to carry out the plan. Whoever compares the economic history of National Socialist Germany".

541 995 24

"to a certain extent," should be "to a certain extent,".

542 996 3

Place period at end of line.

543 996 4

Begin new sentence with this line and delete period after "page".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
544	996	23-26	Change period after "facilities" in line 23 to comma and continue with lines 24 to 25, changed to read as follows: "especiall. in the light of the fact, as your Honors will later see, that although slave laborers and foreigners were employed everywhere, they were excluded from these types of plants."
545	997	4	Change "which gives" to "since it gives".
546	997	5	Change "saw that," to "saw it,".
547	997	8	"opining remarks" should be "opening remarks".
548	997	10	Change "we necessarily" to read "we would necessarily".
549	997	12	Change "this is what we're conclude our" to read "this concludes our".
550	997	13	Delete "on" after first word "proof".
551	997	21	Second word "before" should be "first".
552	1004	12	Change "which I have must assume" to read "which I have I must assume".
553	1004	27	First two words "to them" should be "to these".
554	1005	21	Add "to" at end of line.
555	1010	9	"of office" should be "of this office".
556	1010	18 & ff.	"Mr. Schimatis" should be "Mr. Czimatis".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
557	1010	31-32	Place period after first word "successor." in line 31. Change rest of line and line 32 to read "After the departure of Major Czimatis, Dr. Krauch was entrusted with the direction of this office."
558	1012	24	Place period after "Planning." Begin new sentence with "Since".
559	1013	25	"of explosives" should be "for explosives".
560	1014	10	Change "to you think" to "do you think".
561	1014	11	"worked out," should be "worked it out,".
562	1015	11	Place "A." at beginning of line.
563	1015	17	First word "It" should be "In".
564	1015	20-21	Change "should be changed by domestic production at home which should be economized with." to read "could be changed by synthetic production at home and respectively economized."
565	1016	7	Place semi-colon after "Synthetics".
566	1016	8	Change "there was responsibility for extending for the mines" to read "and for extending the mines".
567	1017	1	"orsor" should be "oversee". Change comma after "details" to period.
568	1017	5	"frafting" should be "drafting".
569	1017	8	"detailles" should be "detailed".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
570	1017	9	"and that" should be "in that".
571	1017	18	"that the creation" should be "whether the creation".
572	1017	19	"that all those" should be "whether all those"
573	1017	22	First word "and" should be "while".
574	1017	23	"themselves" should be "itself".
575	1017	25-26	Delete all of line 25 and first two words of line 26. Replace with "actually these plants active in the industry concerned."
576	1020	1	Place period after "leather". Begin new sentence with "And in".
577	1020	3-4	Change lines 3,3 and 4 to read as follows: "the field of the textile industry, briefly, I believe that there was scarcely a sector of any importance which, after the period of 1939, during the course of the war, did not depend in some way or other on I.C."
578	1020	17	Insert the following after "Farben" and before "practically": "with I.C. craved from the German chemical life."
579	1026	23	Second word "discusses" should be "discussed".
580	1028	11	"that is later" should be "this is that later"
581	1029	19	Place quotation marks and dash after the first word "Phillips". Place dash after the last word in line "Ordnance".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
502	1029	20	Place quotation marks before "stated", the first word in line.
503	1029	22	Place quotation marks at end of paragraph.
504	1031	16	Delete last word "and".
505	1031	17	Change first word "being" to "which is".
506	1031	19	"worth nothing" should be "worth noting".
507	1032	9	Delete quotation marks before "This". Add "concerning" after "conference" at end of line.
508	1032	10	Begin this line with quotation marks. Change first two words "speeding up" to read "utmost acceleration of".
509	1032	16	"for Plenipotentiary" should be "Plenipotentiary for".
590	1033	1	Add "for" after "costs" at end of line.
591	1033	2	Delete comma after "essentially". Change "conditional" to "conditioned".
592	1033	4	Change "endeavors the" to "endeavors to".
593	1033	16	"to conferences" should be "to a conference,".
594	1033	19	Place quotation marks at beginning of line. Change "to the built" to "to be built".
595	1033	32	Place comma after "I.e.,".
596	1034	6	Place quotation marks after "O-ering".
597	1034	9	Place quotation marks after "Runavark III".

Item	Transcript Page	Line(s)	PROPOSED CORRECTION
598	1035	13-14	Place comma after "shortly" and change rest of line 13 and all of 14 to read as follows: "that only the shortness of the midday pause and the difficulties therein have prevented them from being punctual."
599	1035	26	Correct and punctuate first part of line "He says Schkopau, Buna I plans to expand" as follows: "He says: "Schkopau, Buna I. To expand."
600	1035	27	Place quotation marks after first word "plant".
601	1035	28	Place quotation marks before "to a production" and after "per year."
602	1035	29	Place quotation marks before "I.S."
603	1036	1	Change "since it is in agreement, which continued" to read "entered into an agree- ment which contained".
604	1036	12	Place ".M" before "91,250,000".
605	1036	13	Place quotation marks after "Schkopau".
606	1036	16	Change first word "building" to "planning".
607	1036	21	"was built in" should be "was built on". Place quotation marks after "plant."
608	1036	29-30	Change "and agreement on the Schkopau" to read "and an agreement on Schkopau".
609a	1037	12	Change "to the members of the TIA and as to" to read "of the members of TIA as to".
609b	1037	17	Delete "since" before "synthetics".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
510	1037	18	Place period after "product" and begin new sentence with "The document". Change "documents require" to "document requires".
611	1038	15	Place quotation marks after "Plan,".
612	1038	18	Delete quotation marks after "technicians:".
613	1041	9	"sums" should be "expense".
514	1041	31	Place comma after third word "uses,".
615	1042	11	Change period to comma after "Main Products". Change "That lists various products:" to read "where various products are listed:".
616	1045	24	"Buna." should be "Buna III.".
617	1048	9	Place "LM" before "130" and before "10".
618	1051	21	Insert the following after first word "plants" "is planned. Those parts of the Buna plant, including the auxiliary plants,".
619	1051	22	"he enlarged" should be "be enlarged".
620	1052	11	Change "the fact that we" to "what we have just".
621	1053	1	"exacution" should be "execution".
622	1053	32	Insert the following between "with" and "greater": "over decreasing exceptions, be considered as essential to the war effort; the".
623	1054	14	Delete period after "possible".
624	1054	15	Change comma after "and so on" to semi-colon.

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
625	1054	19	Change "rubber supply" to read "regarding rubber supply".
626	1054	23	Change period to colon.
627	1057	14	"Tri. and Tolual." should be "of Tri. and Tolual." "expansion" should be "extension".
628	1058	10, 27	"Aachen" should be "Aken".
629	1058	2, 13	"Aachen" should be "Aken".
630	1061	12	Change "German book, which is page 37 (of the English)," to read "English book, which is page 37 of the German,".
631	1062	2	Correct and punctuate line 2 as follows: textile cylinders" -- code word for incendiary bombs -- "quite different from the
632	1062	9	Delete second word "then".
633	1062	10	Change "That letter establishing" to read "This letter establishes".
634	1062	11	Change "and the initiative" to read "and shows Farben's initiative".
635	1062	12	Change line 12 to read "Gearing's office that steps have to be taken to put the plant in readiness."
636	1063	12	Last word "Production" should be "Prosecution".
637 a	1064	26	Place quotation marks at beginning of line.
637 b	1065	1	Place quotation marks at beginning of line.

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
638	1065	5	Change "recently disposed of it and" to read "recently been disposed of and".
639	1066	18	Change "and made some rulings" to read "had made some rulings".
640	1068	14	"the earlier application" should be "their earlier applications".
641	1068	15	Place opening parenthesis before line 15.
642	1068	16	Place closing parenthesis after "Dr. Hoffman". Place a dash after the parenthesis and change "but" to "however,".
643	1068	22	"possible" should be "possibly".
644	1068	23	"of with a full" should be "of a full".
645	1068	24	"toward it" should be "towards the truth".
646	1070	26	"belonged" should be "belong".
647	1075	2	Change period to comma after "Burgin,". Change following words "This is" to "and also".
648	1075	9	"in a preceding" should be "in the preceding".
649	1075	35	Delete comma after "documents"; place comma after "related,".
650	1075	26	Change first word "we" to "is".
651	1075	39	"I notice" should be "I note".
652	1075	3-4	Change "Page 79 which is Page 99." to read "Page 79 of the English which is Page 99 of the German."

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
553	1077	19	Change "recall that being" to read "recall that as being".
554	1078	23	Place quotation marks at end of paragraph.
555	1079	13	Delete period after "engagements". Change "Mr. Elias is back in" to read "Mr. Elias has back in".
556	1082		Change pagination to "1083".
557	1083		Change pagination to "1082".
558	1084	11	Delete "35".
559	1084	15	Place quotation marks after "Products."
560	1084	19	"this explosive." should be "these explosives."
561	1084	27	Delete comma between "ethylene" and "oxide".
562	1085	11	Delete comma after "box". Enclose "Low gasoline" in quotation marks.
563	1085	26	"had built up" should be "had been built up".
564	1086	15	Delete quotation marks before "Badische."
565	1087	11	Last two words "the line" should be "in the line".
566	1087	16	"tons 1913" should be "tons in 1913".
567	1088	4	Place quotation marks after the first "DAG" in middle of line.
568	1088	5	Place quotation marks at beginning of line.

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
669	1089	22	First word "indicates" should be "indicate".
670	1090	12	"as necessary ingredients" should be "as a necessary ingredient".
671	1091	5	Place quotation marks after "Dial col" and before "and that only after".
672	1091	7	"this is with" should be "there is a".
673	1091	19-20	Change "We will be having discussions with this matter later on with Dr. Zahn." to read "We will find discussions with Dr. Zahn on this matter later on."
674	1091	23	Delete comma after "34". Place comma after "Book,". Delete comma at end of line.
675	1091	25	Replace comma after "Farben" by a closing parenthesis.
676	1094	25	Change first word "and" to "to".
677	1095	1	"was urgently" should be "is urgently".
678	1096	23	"with reference to the chart." should be "on this chart."
679	1096	28	Last word "letter" should be "document".
680	1098	10	Delete comma at end of line after "about it".
681	1098	11	Change "being a stand-by plant" to read "being that it was a stand-by plant". Place colon instead of period at end of line 11.
682	1098	19	"page 53, if your Honors please," should be "On page 53, if your Honors please," beginning a new sentence.

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTIONS
683	1098	24	"sifted" should be "shifted".
684	1098	25	"leased it" should be "leased them".
685	1098	39	Place quotation marks before "where".
686	1099	11-12	Change period after "product" in line 11 to comma and delete quotation marks. Change "Dr. Zahn recommended an agreement and was submitted" to read as follows: Dr. Zahn recommended that an agreement should be arrived at with the Reich War Ministry regarding a provisional standard price." We submit therefore.
687	1099	15	Delete "this" after "document,".
688	1099	25	Change "part of production in the new" to read "start of production in the new".
689	1099	27	Place quotation marks before "the Army-owned".
690	1099	28	Place quotation marks after "Montan".
691	1100	3	Delete last two words "explanation in".
692	1100	17-18	Change "there should be wholesale orders for diglycol also considered." to read "should also be considered the wholesale orders for diglycol."
693	1100	22-24	Change all of lines 22, 23 and 24 to read as follows: I would like to call your Honor's attention to the items under the headings "Stabilizers" and "Decontamination Chemicals" on pages 58 and 59, to

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
693	1100	22-24	the recitals in this contract of the early orders for
694	1102	2	Place quotation marks after the first word "whereas" and before the second "whereas". Change "page 76" to read "page 75 of the German".
695	1103	17	"went" should be "go". Delete quotation marks after "Schkopau".
696	1103	18	Delete quotation marks after last word "Schkopau".
697	1103	31	Insert "of the German" after "Page 84".
698	1104	10	"in inadequate" should be "is inadequate".
699	1105	11	Delete period after "top" and change the following two words "From our" to "from the".
700	1105	13-14	Change "this is a copy that we only had," to read "this is only a copy that we have and".
701	1107	11	First word "but" should be "and".
702	1108	27	"connecting." should be "in connection herewith".
703	1109	10	"so much." should be "RM 1.10".
704	1109	28	Place comma after last word "Sodingen".
705	1111	10	"we see that" should be "we see what".
706	1115	3	Place comma after "Guessen".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
707	1115	7	"MON" should be "MONTAN".
708	1115	24	"600" should be "599".
709	1117	29	Second word "were" should be "work".
710	1118	28	Place quotation marks before "the capacity".
711	1118	31	Place quotation marks after "of power.".
712	1119	2	Change last word "also" to "which also".
713	1120	3	"page 37" should be "page 75 of the German".
714	1125	2	Place "MR. AMCHAN:" at beginning of line before "If your Honors please,".
715	1125	6	"of your index" should be "of the index of Book XXXIII.".
716	1125	7	"4639" should be "4634".
717	1125	12	"page 3" should be "page 3 of the document".
718	1125	21	Place quotation marks at end of paragraph.
719	1125	25	Place quotation marks after "suitable room.".
720	1125	28	Place quotation marks at end of paragraph.
721	1126	13	Delete quotation marks at end of this paragraph.
722	1126	20	"It is further" should be "It will be further".
723	1129	3	Delete as repetition "of the English".
724	1129	27	Change "At the present stage" to read "And that at the present stage".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
725	1130	5	Place quotation marks at end of line after "successful".
726	1130	26	Place quotation marks before "The experiment".
727	1130	27	Place quotation marks after "Orgacid".
m728	1133	25	Place quotation marks at end of paragraph.
729	1133	26	"This was again November 1936" should be placed as a complete sentence in parentheses ending the preceding paragraph.
730	1133	37	Place quotation marks at beginning of line.
731	1134	3	"page 211." should be "page 211 of the German".
732	1134	5-6	Change "And Ludwigshafen has enumerated capacity in the discussion of increasing that." to read "And the capacity of Ludwigshafen in accordance with the discussion will be increased."
733	1137	6	"performed" should be "informed".
734	1137	15	"seems to be a" should be "seems to have a". Last word "fun" should be "flow".
735	1139	7	"and explains" should be "and it explains".
736	1139	10	"Page 232," should be "Page 232 of the German".
737	1139	11	"Power" should be "Powder".
738	1140	6	"Page 235." should be "Page 235 of the German".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
739	1140	16	Place quotation marks at beginning of line.
740	1140	20	"shall meet" should be "shall again meet".
741	1140	22	First two words "it was" should be "they were".
742	1140	27	"Page 53," should be "at the paragraph marked Page 53,".
743	1144	3	"the I.G. production" should be "regarding I.G. production".
744	1146	13	"he raised." should be "in the objection raised.".
745	1146	17	First word "correct" should be "correction".
746	1147	19	"15" should be "15 of the German book.".
747	1148	1	"Q" at beginning of line should be quotation marks.
748	1148	29	"firm in Stuttgart," should be "firm of Max Haaf in Stuttgart,".
749	1149	1	Change "It was changed to Monturon" to read "The name of the firm operating the Falkenhagen works was changed to Monturon.".
750	1149	5	"M-Stoff" should be in parentheses.
751	1149	31	Place quotation marks after "Gendorf".
752	1149	32	Delete quotation marks after "subsidiary.".
753	1151	10	"proceeding" should be "preceding".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
754	1152	11	"words' balance" should be "works' balance".
755	1152	12	Place quotation marks after "Monten."
756	1153	30	Place quotation marks at beginning of line.
757	1154	16	Place comma after "offered," and after "Survey,".
758	1155	3	"as I get it" should be "as I understand it".
759	1155	26	Place quotation marks before "Anhydrous".
760	1155	27	Place quotation marks after "Factory."
761	1155	28	Place quotation marks before "still be".
762	1155	32	Place quotation marks at end of paragraph.
763	1156	12	"weighting" should be "weighing".
764	1156	20	Place quotation marks before "Under the contract".
765	1156	29-30	"another chemical firm," should be "the Bückau Chemical Factory,".
766	1159	1	"a letter from I.G." should be "first a letter from I.G.".
767	1159	6	"On page 60," should be "Then on page 60,".
768	1159	7	"132," should be "132 of the German,".
769	1163	4	"relates the" should be "relates to the".
770	1163	8	Place quotation marks after first word "association,".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
771	1153	17	"as the association" should be "as to the association".
772	1164	9	"162," should be "162 of the German,".
773	1164	11	"makes gases visible," should be "which makes gases visible,".
774	1166	3	"Hoerls" should be "Huels".
775	1167	1	Place quotation marks before "the experimental".
776	1167	2	Place quotation marks at end of line.
777	1167	9	Last word "reproduction" should be "operation".
778	1167	32	"not read" should be "not to read".
779	1168	6	"ill also be supplied" should be "Trostberg will also be supplied".
780	1168	9	"182," should be "182 of the German,".
781	1168	20	"184," should be "184 of the German,".
782	1169	9	"between I.G." should be "for I.G.".
783	1170	1	"which have to do" should be "which has to do".
784	1176	13	"are the copies," should be "are additional copies." .
785	1180	22	"ab lib" should be "ad lib".
786	1182	13	Place quotation marks before "was produced".

787	1184	11	"216, 217 now" should be "216, 217 of the German now".
788	1185	15	"too fact" should be "to the fact".
789	1185	24	"194K" should be "1941".
790	1186	20	"on the Arm" should be "by the Army". Place quotation marks around "The firm".
791	1186	21	Place quotation marks before "was commissioned".
792	1187	12	Change "It is Prosecution Exhibit 639. We offer NI-9198." to read "Next we offer Prosecution Exhibit 639, NI-9198.".
793	1189	31	Delete as repetition last word "should".
794	1193	8	Delete "these" before "discussing".
795	1194	7	Delete quotation marks after first word "persons". Place quotation marks after "Todt,".
796	1194	15	Change comma to period after "sabotage,".
797	1194	31	Enclose "Urea" in parentheses.
798	1195	6	Change "one the I.G. Farben officials, as I recall it, tried" to read "one of the I.G. Farben officials, as I recall it, who tried".
799	1195	9	Delete "that" after "to note".
800	1195	16	Change "what the things are, and, if necessary in appropriate to" to read "of what the things are, and, if necessary, it would be appropriate to".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
801	1195	17	Change last word "use" to "in".
802	1196	1	"the I.G. of" should be "the I.G. to".
803	1196	4	"plant it produced" should be "plant produced".
804	1196	6-7	Change "Just another one, I would say, here is the tie-up of Falkenhagen being I.G., and the other evidence to Falkenhagen." to read "Just another case, I would say, tying up Falkenhagen with I.G. and the other evidence concerning Falkenhagen."
805	1196	8	Change "Now the next paragraphs 2 and 43," to read "Now the next paragraph 2, on page 43", deleting comma after 43.
806	1196	11	Change last word "this" to "that".
807	1196	15	Change last word "having" to "in".
808	1196	16	Change first word "substituted" to "substituting".
809	1196	19	"seem hardly" should be "seemed hardly".
810	1196	25	Place quotation marks after first word "place".
811	1197	7	Place quotation marks at beginning of line. Change "considered on a fixed rent, it means" to read "considered, the fixed rent means".
812	1198	10	Insert "of the German" after "51".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
813	1198	18	"There is other" should be "There will be other".
814	1199	27	Insert "of the German" after "66".
815	1201	11	"Page 57" should be "Page 58".
816	1213	24	Change comma to period after "HI-7850." Delete following word "a".
817	1212	31	Place quotation marks after "materials".
818	1213	24	Change "makes the explosive effective" to read "does not harm the explosive effect."
819	1214	3	Place comma after "original".
820	1214	24	Change "are not available for the years 1942 to" to read "as not available for the years 1932 to".
821	1215	12	Change "note which follows in the" to "note that the".
822	1215	22	Change "in tear gas" to "is tear gas".
823	1215	25	Change "was not a tear gas, and this" to "which is not a tear gas, and in this".
824	1215	26-27	Change "and in 1938, as we indicated has some special significance and 1939, 537,000 odd tons." to read "to 489,000 tons in 1938, which year we indicated has some special significance, and in 1939 to 537,000 odd tons."
825	1217	16	"is 136," should be "is page 136,".

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No.	Page	Line(s)	PROPOSED CORRECTION
836	1217	21	Insert "of the German," after "196".
837	1218	12	Place quotation marks at the beginning of line.
838	1219	29	"graft" should be "graph".
839	1221	15	Change first two words "this is" to "Then".
830	1221	25	"My general statement" should be "A general statement".
831	1221	31	"than he was" should be "than that he was".
832	1223	23	Delete "were" before "referred" and insert "are" before "identified".
833	1223	15	Change semi-colon after "Deeberitz" to comma.
834	1223	30	Change last two words "and the" to read "as does the".
835	1223	31	Change "It is a picture." to read "This is the picture.".
836	1224	2	"dates" should be "date".
837	1224	14	Change last word "and" to "with".
838	1224	16	Add "is to" after "know," at end of line.
839	1225	8	Change first word "The" to "As".
840	1225	23	"investments figure," should be "investment figures,".
841	1225	29	"sholly" should be "wholly".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
842	1226	16	Delete first three words "check with chart,".
843	1227	3	"to NL.7772;" should be "with NL.7772;".
844	1227	21	"DAG,--Wasag" should be "DAG and Wasag,".
845	1227	22	Change "as I indicated, being a direct subsidiary of I.G." to read "which, as I indicated, were direct subsidiaries of I.G.".
846	1229	3	Delete "facilities".
847	1229	8	Place comma after "I.G.,".
848	1230	11	Place quotation marks before "In order".
849*	1230	13	Place quotation marks after "plants.".
850	1231	5	Change "In Poland I.G." to read "In Zgiers, Poland, I.G.".
851	1232	13	Place quotation marks after "cheaply." at end of line.
852	1233	3	"to pen it up," should be "to open it up.".
853	1235	19	Change "by was of the DAG Troisdort," to read "of the DAG, Troisdorf,".
854	1235	12	"at the right charts" should be "on the charts".
855	1235	23	Insert "As" before "Prosecution Exhibit 670".
856	1235	25	Change "the WIFO financing" to read "the WIFO regarding financing".
857	1235	26	"letter by I.G. Farben" should be "letter from I.G. Farben".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
858	1236	2	Place quotation marks at end of line.
859	1236	30	"was NL-7711," should be "is NL-7711,".
860	1236	31	"Page 78." should be "Page 79 of the German.".
861	1237		The page numbered 1238, beginning "The matter looked to me as follows:" and ending "could never be demanded of industry." should be renumbered 1237.
862	1237	2	(The page to be renumbered 1237) - Insert "of the German" after "78,".
863	1237	7	(The page to be renumbered 1237)-- Change "or did not want" to read "or (b) did not want".
864	1238	16-17	Change "as a limited purpose of presentation" to read "for the limited purpose of oral presentation".
865	1238	18	"was a different" should be "was of a different".
866	1238	23	"and enlargement of the" should be "and enlarged".
867	1239	23	Delete quotation marks before "back home".
868	1239	24	Place quotation marks around "scramble facilities", deleting the ones after "scramble".
869	1239	25	"and additional plant" should be "an additional plant".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
870	1241	17	Insert "of the German," after "91".
871	1242	16	"1927-1937" should be "1934".
872	1242	33	"1935" should be "1934".
873	1243	29	"am using" should be "am abusing".
874	1244	11	Insert "of the German," after "107".
875	1244	30	Add "of the German," after "131" at end of line.
876	1246	21	Add "of the German:" after "139" at end of line.
877	1246	29	Insert "of the German," after "144".
878	1247	17	Place comma after "plants," and change the following five words: as in the "Fall Case". to read: as in the A-Fall....", etc.
879	1247	18-19	Change "It is a letter from" to read "It consists of letters from".
880	1247	22	Insert "of the German," after "159".
881	1248	15	Insert "of the German," after "9".
882	1249	6	Insert "of the German," after "19".
883	1251	19	Delete "referred to".
884	1251	23	Add "per cent," after "65.7".
885	1252	29	Add "of calling witnesses" after "program" at end of line.

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
886	1253	1	"or procedure?" should be "of procedure?".
887	1257	4	"been a position" should be "been the position".
888	1257	20-21	"underneath" should be "under".
889	1264	5	"pplant the plant" should be "plan the plant".
890	1264	25	"244,000,737." should be "244,737,000.".
891	1264	28	"244000.116, in '42" should be "244,737,000 and 116,998,000, in '38".
892	1265	10	Place quotation marks at beginning of line and after "Vorstand".
893	1265	11	Place quotation marks before "with the exception" and after "excused.".
894	1266	13	Last word "important" should be "strategic".
895	1267	34	Change "are classified as counsel for the Prosecution? or the Defense." to read "are to be classified in the sense of the counsel for the Prosecution or of the Defense."
896	1267	8	"proceeding" should be "preceding".
897	1267	18	First word "graft" should be "graph".
898	1267	22	"forty" should be "forth".
899	1268	14	"WIFO" should be "WIFO".
900	1269	5	Insert "NI-10012" after "694".
901	1269	16	"Four Year Plants." should be "Four Year Plan Plants.".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
902	1269	18	"a Four Year Plan." should be "a Four Year Plan plant."
903	1270	4	Place quotation marks after "projects".
904	1270	9	Place quotation marks at end of paragraph.
905	1270	37	Delete quotation marks before "copies".
906	1270	38	Delete quotation marks after "Ludwigshafen".
907	1270	31	"this is some" should be "there is some".
908	1271	7	Delete quotation marks before "Copy".
909	1271	8	Delete quotation marks after "Knieriem".
910	1271	16	"effect of" should be "effect to".
911	1272	15	"Page 109 of the record:" should be "Page 309 of the German record and 329 of the English:".
912	1273	14	First word "not" should be "nor".
913	1274	9	Change "should always precede the appearance of a witness" to read "should not precede the appearance of every witness."
914	1274	16	Last word "bully" should be "fully".
915	1275	4-5	"not as free" should be "more free".
916	1275	6	"as if" should be "than if".
917	1277	5	Last word "defendant" should be "defendants".
918	1277	32	Place quotation marks before "Thus,".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
919	1278	2	Place quotation marks after "per cent."
920	1278	4	Place quotation marks at beginning of line.
921	1278	5	Place quotation marks at end of paragraph.
922	1278	12	Change comma to period after the third word "Mobilization."
923	1278	13	Place comma after first word "(grad)ually,"
924	1278	26	"all Farben with" should be "all Farben products with"
925	1273	28	Delete as repetition last four words "which is page 19."
936	1278	29	Insert "of the German," after "18"
937	1279	21	Delete "received" before "the plant leader"
938	1279	28	Delete quotation marks after "Czechoslovakia" and before "it was clear"
939	1279	29	"would" should be "could"
940	1281	31	"Prosecution" should be "Defense"
941	1282	26	"stated probably" should be "stated perfectly"
942	1282	29	"in the same case" should be "in some cases"
943	1284	7	"affidwit" should be "affidavits"
944	1284	21	"Mr. Prosecution" should be "Mr. Prosecutor,"
945	1284	31	Insert "of the German," after "7"
946	1285	24	Insert "of the German." after "41"

947	1285	25	Delete "The date -". Begin new sentence with "On the".
948	1287	5	Insert the following before the quotation in line 5: And on page 40, your Honors, which is page 49 of the German, on the top of the page:
949	1287	5	"autarky" should be "autarchy".
950	1287	10	"in climbed" should be "it climbed".
951	1287	24	"page 40" should be "page 59".
952	1287	27	"I would not" should be "I would now".
953	1289	19	Add "of the German," after "112" at end of line.
954	1290	17	First word "if" should be "is".
955	1291	12	"you hit 1936," should be "when you hit 1936,".
956	1291	31	Delete quotation marks at end of line.
957	1293	11	Insert "of the German," after "147".
958	1294	6	Delete quotation marks before "in spite of".
959	1294	32	"sock-piled" should be "stock-piled".
960	1297	9	"filing" should be "filling".
961	1299	15	"Supply Room," should be "Supply Rooms,".
962	1299	19	Delete quotation marks before "Wifo's".

Item	Transcript			
No.	Page	Line(s)	PROPOSED CORRECTION	
963	1300	14	"Drauch" should be "Krauch".	
964	1301	14	"mand Nickel Company" should be "Mond Nickel Company".	
965	1303	25	"The Court respectfully" should be "The Court is respectfully".	
966	1305	22	"says that in 1936" should be "who says that in 1936".	
967	1309	23	Place period after "co-defendant." Begin new sentence with last word "If".	
968	1319	24	Delete quotation marks before "stated that".	
969	1319	28	"it fully used." should be "if fully used.".	
970	1319	29	"statement" should be "sentence".	
971	1320	7	"KBT," should be "K Bi.".	
972	1323	22	"WIFL." should be "WIFO.".	
973	1324	5	"Wirtschaftliche" should be "Wirtschaftliche".	
974	1325	9	Delete last word "the".	
975	1327	7	"foreign required" should be "foreign exchange required".	
976	1327	18	"undercross" should be "underscores".	
977	1329	14	Change "latter remark" to read "last remark removed".	
978	1330	31	Place quotation marks after "markets." Delete quotation marks before "This".	

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
979	1333	23	"May be inquire" should be "May we inquire".
980	1335	11	Last three words "the so choose." should be "they so choose."
981	1337	7	Change period after "UL-9754" to comma and continue sentence with "question".
982	1337	13	"English" should be "German".
983	1337	14	"German," should be "English,".

By: _____

D. A. SPRECHER
Chief, Farben Trial Team

Nuernberg: 13 February 1948

Date

For: TELFORD TAYLOR
Brig. Gen. USA
Chief of Counsel

MICROCOPY

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ROLL

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END

